HOUSE OF REPRESENTATIVES—*Friday, September 12, 1986*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

You have commanded, O God, that we ought to seek justice, love, mercy, and walk humbly with You. Grant that we may be so illumined by our tradition of faith and encouraged by all women and men of good will that we will truly seek justice in word and in deed. May we understand the need for responsibility not just for others, but for ourselves.

As we say the words of justice with our lips, may we believe them in our hearts and all that we believe in our hearts may we practice in our daily lives. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BROOMFIELD. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 53, answered "present" 4, not voting 142, as follows:

[Roll No. 379]

YEAS—232

Akaka	Bonior (MI)	Daniel
Alexander	Bonker	Darden
Anderson	Borski	Daschle
Andrews	Broomfield	Daub
Annunzio	Bruce	de la Garza
Applegate	Byron	DeLay
Archer	Callahan	Derrick
Barnard	Carper	Dicks
Barnes	Carr	Dingell
Bateman	Clinger	Dorgan (ND)
Bates	Coats	Dornan (CA)
Bedell	Coble	Dowdy
Bennett	Coleman (TX)	Downey
Berman	Collins	Dreier
Bevill	Combest	Durbin
Biaggi	Conyers	Dwyer
Bliley	Cooper	Dymally
Boland	Craig	Early
Eckart (OH)	Levin (MI)	Rowland (GA)
Edgar	Levine (CA)	Roybal
Edwards (CA)	Lewis (CA)	Russo
Emerson	Lightfoot	Savage
English	Lipinski	Saxton
Erdreich	Lloyd	Schaefer
Evans (IL)	Long	Schneider
Fascell	Lowry (WA)	Schulze
Fazio	Lungren	Schumer
Feighan	Manton	Sensenbrenner
Flippo	Martin (NY)	Sharp
Foglietta	Martinez	Shaw
Foley	Matsui	Shelby
Ford (TN)	Mazzoli	Shumway
Frank	McCain	Sisisky
Franklin	McCollum	Skelton
Frenzel	McCurdy	Slaughter
Fuqua	McEwen	Smith (FL)
Garcia	McMillan	Smith (IA)
Gaydos	Mica	Smith (NE)
Gejdenson	Michel	Smith (NJ)
Gibbons	Miller (CA)	Smith, Denny (OR)
Glickman	Miller (OH)	Snowe
Gonzalez	Miller (WA)	Spence
Gordon	Moakley	Spratt
Gradison	Mollohan	Staggers
Gray (PA)	Montgomery	Stenholm
Green	Moody	Stokes
Hall, Ralph	Morrison (WA)	Strang
Hamilton	Mrazek	Studds
Hammerschmidt	Murphy	Sweeney
Hefner	Murtha	Tallon
Hendon	Myers	Tauzin
Hertel	Natcher	Thomas (GA)
Hiler	Nelson	Torres
Hillis	Nichols	Torricelli
Hopkins	Nowak	Traficant
Horton	Oberstar	Vento
Howard	Obey	Visclosky
Hoyer	Olin	Volkmer
Hubbard	Ortiz	Waldon
Hughes	Packard	Walgren
Hutto	Panetta	Walker
Hyde	Parris	Watkins
Ireland	Pease	Weaver
Jeffords	Perkins	Weiss
Jenkins	Petri	Wheat
Johnson	Pickle	Whitley
Jones (TN)	Quillen	Whitten
Kanjorski	Rahall	Wise
Kasich	Regula	Wolpe
Kennelly	Reid	Wortley
Kildee	Richardson	Wright
Kleczka	Ritter	Wyden
Kolter	Robinson	Wylie
Kostmayer	Roe	Yatron
LaFalce	Roemer	Young (FL)
Lantos	Rogers	Young (MO)
Latta	Rostenkowski	
Lehman (FL)	Rowland (CT)	

NAYS—53

Armey	Goodling	Monson
Badham	Gregg	Moorhead
Bartlett	Hansen	Nielson
Bereuter	Hawkins	Penny
Brown (CO)	Hayes	Roth
Chandler	Holt	Sabo
Clay	Jacobs	Schuette
Cobey	Kindness	Shuster
Coughlin	Kolbe	Sikorski
Dannemeyer	Kramer	Smith, Robert (NH)
DeWine	Lagomarsino	Solomon
Duncan	Lent	Stump
Evans (IA)	Lewis (FL)	Sundquist
Fawell	Luken	Swindall
Fiedler	Mack	Tauke
Fields	Madigan	Whittaker
Gallo	McCandless	Zschau
Gekas	Molinari	

ANSWERED "PRESENT"—4

Bryant	Mineta
Dellums	Rodino

NOT VOTING—142

Ackerman	Gephardt	Pashayan
Anthony	Gilman	Pepper
Aspin	Gingrich	Porter
Atkins	Gray (IL)	Price
AuCoin	Grotberg	Pursell
Barton	Guarini	Rangel
Beilenson	Gunderson	Ray
Bentley	Hall (OH)	Ridge
Bilirakis	Hartnett	Rinaldo
Boehlert	Hatcher	Roberts
Boggs	Henry	Rose
Boner (TN)	Huckaby	Roukema
Bosco	Hunter	Rudd
Boucher	Jones (NC)	Scheuer
Boulter	Jones (OK)	Schroeder
Boxer	Kaptur	Seiberling
Breaux	Kastenmeier	Siljander
Brooks	Kemp	Skeen
Brown (CA)	Leach (IA)	Slattery
Burton (CA)	Leath (TX)	Smith, Robert (OR)
Burton (IN)	Lehman (CA)	Snyder
Bustamante	Leland	Solarz
Campbell	Livingston	St Germain
Carney	Loeffler	Stallings
Chapman	Lott	Stangeland
Chappell	Lowery (CA)	Stark
Chappie	Lujan	Stratton
Cheney	Lundine	Swift
Coelho	MacKay	Synar
Coleman (MO)	Markey	Taylor
Conte	Marlenee	Thomas (CA)
Courter	Martin (IL)	Towns
Coyne	Mavroules	Traxler
Crane	McCloskey	Udall
Crockett	McDade	Valentine
Davis	McGrath	Vander Jagt
Dickinson	McHugh	Vucanovich
DioGuardi	McKernan	Waxman
Dixon	McKinney	Weber
Donnelly	Meyers	Whitehurst
Dyson	Mikulski	Williams
Eckert (NY)	Mitchell	Wilson
Edwards (OK)	Moore	Wirth
Fish	Morrison (CT)	Wolf
Florio	Neal	Yates
Ford (MI)	Oakar	Young (AK)
Fowler	Owens	
Frost	Oxley	

□ 0925

Ms. FIEDLER and Mr. HAYES changed their votes from "yea" to "nay."

Mr ANNUNZIO changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4378. An act to provide standards for placement of commemorative works on lands administered by the National Park Service in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2320. An act to amend an act to add certain lands on the Island of Hawaii to Hawaii Volcanoes National Park, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DANIEL). The Chair announces that the Speaker has stated that we will have 1-minute speeches later in the day.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3622, JOINT CHIEFS OF STAFF REORGANIZATION ACT OF 1985

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 3622) to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MAKING IN ORDER ON TUESDAY, SEPTEMBER 16, 1986, OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON H.R. 3622, JOINT CHIEFS OF STAFF REORGANIZATION ACT OF 1985

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that it may be in order to consider the conference report on the bill, H.R. 3622, on Tuesday, September 16, 1986, or any day thereafter, and that the conference report be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. WALKER. Mr. Speaker, reserving the right to object for a point of clarification if I may, do I understand that the gentleman has asked permission for the conference report on military reorganization to be considered at any time.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Alabama.

Mr. NICHOLS. Mr. Speaker, the request is for consideration on Tuesday or any time after that.

Mr. WALKER. On Tuesday or on any day after Tuesday of next week.

Mr. NICHOLS. That is correct, on Tuesday or any day thereafter.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CONFERENCE REPORT ON H.R. 4421, HUMAN SERVICES REAUTHORIZATION ACT OF 1986

Mr. HAWKINS submitted the following conference report and statement on the bill (H.R. 4421), to authorize appropriations for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs, and for other purposes:

CONFERENCE REPORT (H. REPT. 99-815)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4421) to authorize appropriations for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Human Services Reauthorization Act of 1986".

TITLE I—THE HEAD START PROGRAM

SEC. 101. REAUTHORIZATION.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 639. There are authorized to be appropriated for carrying out the provisions of this subchapter $1,198,000,000 for fiscal year 1987, $1,263,000,000 for fiscal year 1988, $1,332,000,000 for fiscal year 1989, and $1,405,000,000 for fiscal year 1990.".

SEC. 102. ALLOTMENT OF FUNDS FOR INDIAN AND MIGRANT HEAD START PROGRAMS.

Subparagraph (A) of section 640(a)(2) of the Head Start Act (42 U.S.C. 9835(a)(2)(A)) is amended to read as follows:

"(A) Indian and migrant Head Start programs and services for handicapped children, except that there shall be made available for use by Indian and migrant Head Start programs, on a nationwide basis, no less funds for fiscal year 1987 and each subsequent fiscal year than were obligated for use by Indian and migrant Head Start programs for fiscal year 1985;".

SEC. 103. COORDINATION.

Section 642(c) of the Head Start Act (42 U.S.C. 9837(c)) is amended by inserting before "programs" the following: "State and local".

SEC. 104. PRESERVATION OF INCOME CALCULATION METHOD.

Section 645(a)(2) of the Head Start Act (42 U.S.C. 9840(a)(2)) is amended by striking out "1986" and inserting in lieu thereof "1990".

TITLE II—FOLLOW THROUGH PROGRAM

SEC. 201. FOLLOW THROUGH.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 663 of the Follow Through Act (42 U.S.C. 9862(a)) is amended to read as follows:

"(a) There are authorized to be appropriated for carrying out the purposes of this subchapter $7,500,000 for fiscal year 1987, $7,800,000 for fiscal year 1988, $8,112,000 for fiscal year 1989, and $8,436,000 for fiscal year 1990.".

(b) REPEALER.—Section 668 of the Follow Through Act (42 U.S.C. 9867) is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(c) TECHNICAL AMENDMENT.—Section 670 of the Follow Through Act (42 U.S.C. 9861 note) is amended by striking out "1986" and inserting in lieu thereof "1990".

TITLE III—DEPENDENT CARE STATE GRANT PROGRAM

SEC. 301. REAUTHORIZATION.

Section 670A of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 670A. For the purpose of making allotments to States to carry out the activities described in section 670D, there is authorized to be appropriated $20,000,000 for each of the fiscal years 1987, 1988, 1989, and 1990.".

SEC. 302. AMENDMENTS ON DEPENDENT CARE SERVICES INFORMATION; LICENSING.

(a) DEPENDENT CARE SERVICES.—Subsection (a) of section 670D of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9874) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking out "shall" in the second sentence and inserting in lieu thereof "may";

(3) by redesignating clauses (1), (2), (3), (4), (5), (6), and (7) in the second sentence as clauses (A), (B), (C), (D), (E), (F), and (G), respectively; and

(4) by striking out the third sentence and inserting in lieu thereof the following:

"(2) The State, with respect to the uses of funds described in paragraph (1) of this subsection shall—

"(A) provide assurances that no information will be included with respect to any dependent care services which are not provided in compliance with the laws of the State and localities in which such services are provided; and

"(B) provide assurances that the information provided will be the latest information available and will be kept up to date.".

(b) SCHOOL-AGE CHILD CARE SERVICES.—(1) Section 670D(b)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9874(b)(1)) is amended by striking out "where school facilities are not available".

(2) Section 670D(b)(2)(E) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9874(b)(2)(E)) is amended by inserting before "licensing laws" the following: "child care".

SEC. 303. SCHOOL-AGE CHILD DEFINITION.

Section 670G(7) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9877(7)) is amended by inserting before the semicolon a comma and the following: "except that in any State which by State law children at an earlier age are provided free public education, the age provided in State law shall be substituted for age five".

SEC. 304. SHORT TITLE.

Subchapter D of chapter 8 of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871-9877) is amended by adding at the end thereof the following new section:

"SHORT TITLE

"SEC. 670H. This subchapter may be cited as the 'State Dependent Care Development Grants Act'.".

TITLE IV—COMMUNITY SERVICES BLOCK GRANT PROGRAM

SEC. 401. GENERAL AUTHORIZATION OF APPROPRIATIONS.

Subsection (b) of section 672 of the Community Services Block Grant Act (42 U.S.C. 9901) is amended to read as follows:

"(b) There is authorized to be appropriated $390,000,000 for fiscal year 1987, $409,500,000 for fiscal year 1988, $430,000,000 for fiscal year 1989, and $451,500,000 for fiscal year 1990, to carry out the provisions of this subtitle.".

SEC. 402. DEFINITION OF ELIGIBLE ENTITY.

The first sentence of section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)) is amended by inserting after "1981" a comma and the following: "or which came into existence during fiscal year 1982 as a direct successor in interest to such a community action agency or community action program and meets all the requirements under section 675(c)(3) of this Act with respect to the composition of the board".

SEC. 403. REQUIREMENTS.

(a) TERMINATION PROCEDURES.—(1) Section 675(c)(11) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(11)) is amended by inserting "the procedures and" after "subject to".

(2) Section 676A of the Community Services Block Grant Act (42 U.S.C. 9905a) is amended—

(A) by redesignating the section as subsection (b); and

(B) by inserting before the redesignated subsection (b) the following:

"SEC. 676A. (a) Whenever a State violates the assurances contained in section 675(c)(11) and terminates the funding of a community action agency or migrant and seasonal farmworker organization prior to the completion of the State's hearing and the Secretary's review as required in section 679 of this Act, the Secretary shall assume responsibility for providing financial assistance to the community action agency or migrant and seasonal farmworker organization affected. The allotment for the State shall be reduced by an amount equal to the funds provided under this section by the Secretary to such agency or organization.".

(3) Section 676A of the Community Services Block Grant Act (42 U.S.C 9905a), as amended by this subsection, is amended by adding at the end thereof the following:

"(c) The Secretary shall conduct the review under subsection (b) through the Office of Community Services, which shall promptly conduct such review and issue a written determination together with the reasons of the Secretary therefor.".

(4) The heading of section 676A of the Community Services Block Grant Act (42 U.S.C. 9905a) is amended to read as follows:

"PROCEDURES FOR A REVIEW OF TERMINATION OF FUNDING".

(b) REPEAL OF EXECUTED PROVISION.—The last sentence of section 675(c) of the Community Services Block Grant Act (42 U.S.C. 9904(c)) is repealed.

SEC. 404. FISCAL EVALUATIONS.

(a) GENERAL RULE.—Section 679(b)(1) of the Community Services Block Grant Act (42 U.S.C. 9908(b)(1)) is amended—

(1) by inserting "evaluations and" after "fiscal year";

(2) by adding before the period at the end thereof a comma and the following: "and especially with respect to compliance with subsections (a) and (b) of section 675, and clauses (1) through (11) of subsection (c) of such section"; and

(3) by adding at the end thereof the following:

"Each such evaluation shall include identifying the impact that assistance furnished under this subtitle has on children, pregnant adolescents, homeless families, and the elderly poor. A report of the evaluation, together with recommendations of improvements designed to enhance the benefit and impact to people in need, will be sent to each State evaluated. Upon receiving the report the State will then submit a plan of action in response to the recommendation contained in the report. The results of the evaluation shall be submitted annually to the Chairman of the Committee on Education and Labor of House of Representatives and the Chairman of the Committee of Labor and Human Resources of the Senate.".

(b) CONFORMING AMENDMENT.—Subsection (i) of section 675 of the Community Services Block Grant Act (42 U.S.C. 9904(i)) is repealed.

SEC. 405. DISCRETIONARY AUTHORITY.

(a) GENERAL RULE.—(1) The matter preceding clause (1) of section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a)) is amended—

(A) by striking out "is authorized, either directly or through" and inserting in lieu thereof "is authorized to make"; and

(B) by inserting "to enter into" before "contracts".

(2) Section 681(a)(1) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(1)) is amended by inserting before the semicolon a comma and the following: "including national conferences, newsletters, and collection and dissemination of data about programs and projects assisted under this subtitle".

(3) Subclause (A) of section 681(a)(2) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(2)(A)) is amended to read as follows:

"(A) special programs of assistance, awarded on a competitive basis, to private, locally initiated, nonprofit community development corporations, (or affiliates of such corporations) governed by a board consisting of residents of the community and business and civic leaders, which sponsor enterprises providing employment and business development opportunities for low-income residents of the community designed to increase business and employment opportunities in the community;".

(4) Section 681(a)(2)(D) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(2)(D)) is amended by inserting before the semicolon the following:

"(in selecting entities to carry out such programs, the Secretary shall give priority to private nonprofit organizations that before the date of the enactment of the Human Services Reauthorization Act of 1986 carried out such programs under this subparagraph)".

(b) REPORTS ON PROJECTS.—Section 681 of the Community Services Block Grant Act (42 U.S.C. 9910) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b)(1) The final reports submitted by recipients of assistance under this section on projects completed with such assistance shall be summarized and reported by the Secretary annually to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on Labor and Human Resources of the Senate. The report shall contain a list of recipients who have received assistance under this section outside of the competitive process.

"(2) The Secretary shall, at the end of each fiscal year, prepare and distribute a catalog listing all the projects assisted under clause (A) of subsection (a)(2) in such fiscal year. The catalog shall include—

"(A) a description of each project;

"(B) an identification of the agency receiving the award, including the name and address of the principal investigator;

"(C) a description of the project objectives; and

"(D) a statement of the accomplishments of the project.".

(c) CONFORMING AMENDMENTS.—(1) Section 674(a)(1)(B) of the Community Services Block Grant Act (42 U.S.C. 9903(a)(1)(B)) is amended by striking out "section 681(b)" and inserting in lieu thereof "section 681(c)".

(2) Section 680(a) of the Community Services Block Grant Act (42 U.S.C. 9909(a)) is amended by striking out "section 681(b)" and inserting in lieu thereof "section 681(c)".

(3) Section 614 of the Community Economic Development Act of 1981 (42 U.S.C. 9803) is amended by striking out "section 681(b)" and inserting in lieu thereof "section 681(c)".

SEC. 406. AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY FOOD AND NUTRITION.

Section 681A of the Community Services Block Grant Act (42 U.S.C. 9910(a)) is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections:

"(b)(1) From 60 percent of the amount appropriated for a fiscal year to carry out this section, the Secretary shall allot for grants under subsection (a) to eligible agencies for statewide programs in each State an amount which bears the same ratio to 60 percent of such appropriation as the low-income and unemployed populations of such State bear to the low-income and unemployed populations of all the States.

"(2) Forty percent of the amount appropriated in a fiscal year to carry out this section shall be available for grants under subsection (a) to be awarded on a competitive basis to eligible agencies for local and statewide programs. In any fiscal year no agency may receive funds awarded in accordance with this paragraph in excess of $50,000.

"(c) There is authorized to be appropriated $3,000,000 for each of the fiscal years 1987, 1988, 1989, and 1990 to carry out this section.".

SEC. 407. INTEREST RATES PAYABLE ON CERTAIN RURAL DEVELOPMENT LOANS; ASSIGNMENT OF LOAN CONTRACTS.

(a) MODIFICATION OF INTEREST RATES.—Notwithstanding any other provision of law—

(1) any outstanding loan made after December 31, 1982, by the Secretary of Health and Human Services; or

(2) any loan made after the date of the enactment of this Act;

with monies from the Rural Development Loan Fund established by section 623(c)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812(c)(1)) or with funds available under section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a)) to an intermediary borrower shall bear interest at a fixed rate equal to the rate of interest that was in effect on the date of issuance for loans made in 1980 with such monies or such funds if the weighted average rate of interest for all loans made after December 31, 1982, by such intermediary borrower with such monies or such funds does not exceed the sum of 6 percent and the rate of interest payable under this subsection by such intermediary borrower.

(b) ASSIGNMENT OF CERTAIN LOAN CONTRACTS.—Any contract for a loan made during the period beginning on December 31, 1982, and ending on the date of the enactment of this Act with—

(1) monies from the Rural Development Loan Fund established by section 623(c)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812(c)(1)); or

(2) funds available under section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a));

to an intermediary borrower that is a county government may be assigned by such borrower to an entity to which such loan could have been made for the purpose for which such contract was made. Any entity to which such contract is so assigned shall be substituted as a party to such contract and shall be obligated to carry out such contract and the purpose for which such contract was made.

(c) TECHNICAL AMENDMENT.—Section 1323(b)(2) of the Food Security Act of 1985 (7 U.S.C. 1631(b)(2)) is amended—

(1) by striking out "authorized under" and inserting in lieu thereof "in, appropriated to, or repaid to";

(2) in subparagraph (A) by striking out "and" at the end thereof;

(3) in subparagraph (B) by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new subparagraph:

"(C) notwithstanding paragraph (1), all funds other than funds to which subparagraph (A) applies shall be used by the Secretary to make loans—

"(i) to the entities;

"(ii) for the purposes; and

"(iii) subject to the terms and conditions;

specified in the first, second, and last sentences of section 623(a) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(a)). For purposes of this subparagraph, any reference in such sentences to the Secretary shall be deemed to be a reference to the Secretary of Agriculture.".

SEC. 408. DEMONSTRATION PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR.

(a) GENERAL AUTHORITY.—(1) In order to provide for the self-sufficiency of the Nation's poor, the Secretary may make grants from funds appropriated under subsection (e) to eligible entities for the development and implementation of new and innovative approaches to deal with particularly critical needs or problems of the poor which are common to a number of communities. Grants may be made only with respect to applications which—

(A) involve activities which can be incorporated into or be closely coordinated with eligible entities' ongoing programs;

(B) involve significant new combinations of resources or new and innovative approaches involving partnership agreements; or

(C) are structured in a way that will, within the limits of the type of assistance or activities contemplated, most fully and effectively promote the purposes of the Community Services Block Grant Act.

(2) No grant may be made under this section unless an application is submitted to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may require.

(b) FEDERAL SHARE; LIMITATIONS.—(1) Grants awarded pursuant to this section shall be used for new programs and shall not exceed 50 per centum of the cost of such new programs.

(2) Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

(3) Not more than one grant may be made to any eligible entity, and no grant may exceed $250,000.

(4) No application may be approved for assistance under this section unless the Secretary is satisfied that—

(A) the activities to be carried out under the application will be in addition to, and not in substitution for, activities previously carried on without Federal assistance; and

(B) funds or other resources devoted to programs designed to meet the needs of the poor within the community, area, or State will not be diminished in order to provide the matching contributions required under this section.

(c) DISSEMINATION OF RESULTS.—As soon as practicable, but no later than 90 days after the expiration of the fiscal year for which any grant is awarded under this section, the Secretary shall prepare and make available upon request to each State and eligible entity descriptions of the demonstration programs assisted under this section, and any relevant information developed and results achieved, so as to provide models for innovative programs to other eligible entities.

(d) DEFINITIONS.—As used in this section—

(1) the term "eligible entity" has the same meaning given such term by section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)); and

(2) the term "Secretary" means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 1987, 1988, and 1989, to carry out this section.

TITLE V—LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

SEC. 501. REAUTHORIZATION.

Subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the provisions of this title $2,050,000,000 for fiscal year 1987, $2,132,000,000 for fiscal year 1988, $2,218,000,000 for fiscal year 1989, and $2,307,000,000 for fiscal year 1990.".

SEC. 502. ADMINISTRATION OF ENERGY CRISIS INTERVENTION PROGRAM.

(a) ENERGY CRISIS INTERVENTION.—Section 2604(c) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(c)) is amended—

(1) in the last sentence—

(A) by striking out "and the capacity" and inserting in lieu thereof "the capacity"; and

(B) by inserting ", and the ability to carry out the program in local communities" before the period at the end thereof; and

(2) by adding at the end thereof the following:

"The program for which funds are reserved under this subsection shall—

"(1) not later than 48 hours after a household applies for energy crisis benefits, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits;

"(2) not later than 18 hours after a household applies for crisis benefits, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits and is in a life-threatening situation; and

"(3) require each entity that administers such program—

"(A) to accept applications for energy crisis benefits at sites that are geographically accessible to all households in the area to be served by such entity; and

"(B) to provide to low-income individuals who are physically infirm the means—

"(i) to submit applications for energy crisis benefits without leaving their residences; or

"(ii) to travel to the sites at which such application are accepted by such entity.

The preceding sentence shall not apply to a program in a geographical area affected by a natural disaster in the United States designated by the Secretary, or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974, for so long as such designation remains in effect, if the Secretary determines that such disaster or such emergency makes compliance with such sentence impracticable.".

(b) ISSUANCE OF RULES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue rules to carry out the amendments made by subsection (a).

SEC. 503. CALCULATION OF GRANTS TO INDIAN TRIBES.

Section 2604(d)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(d)(2)) is amended—

(1) by striking out "in such State with respect to which a determination under this subsection is made" and inserting in lieu thereof "and residing within the State on the reservation of the tribes or on trust lands adjacent to such reservation";

(2) by inserting before the period at the end of such section a comma and the following: "or such greater amount as the Indian tribe and the State may agree upon"; and

(3) by adding at the end thereof the following:

"In cases where a tribe has no reservation, the Secretary, in consultation with the tribe and the State, shall define the number of Indian households for the determination under this paragraph.".

SEC. 504. APPLICATIONS AND REQUIREMENTS.

(a) STATE PROCEDURES.—Section 2605(b)(5) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(5)) is amended by striking out "in a manner consistent with the efficient and timely payment of benefits" and inserting in lieu thereof "in a timely manner".

(b) CONFORMING AMENDMENTS.—Section 2605(b) of the Low-Income Home Energy Act of 1981 (42 U.S.C. 8624(b)) is amended—

(1) by striking out clauses (14), (15), and (16);

(2) by inserting "and" at the end of clause (13); and

(3) by redesignating clause (17) as clause (14).

(c) CONTENTS OF STATE PLAN.—Section 2605(c)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(c)(1)) is amended by striking out clauses (A) through (E) and inserting in lieu thereof the following:

"(A) describes the eligibility requirements to be used by the State for each type of assistance to be provided under this title, including criteria for designating an emergency under section 2604(c);

"(B) describes the benefit levels to be used by the States for each type of assistance including assistance to be provided for emergency crisis intervention and for weatherization and other energy-related home repair;

"(C) contains estimates of the amount of funds the State will use for each of the programs under such plan and describes the alternative use of funds reserved under section 2604(c) in the event any portion of the amount so reserved is not expended for emergencies;

"(D) describes weatherization and other energy-related home repair the State will provide under subsection (k);

"(E) describes how the State will carry out assurances in clauses (3), (4), (5), (6), (7), (8), (10), (12), and (13) of subsection (b); and

"(F) contains any other information determined by the Secretary to be appropriate for purposes of this title.".

(d) MODEL STATE PLAN FORMAT.—Section 2605(c) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(c)) is amended by adding at the end thereof the following new paragraph:

"(3) Not later than April 1 of each fiscal year the Secretary shall make available to the States a model State plan format that may be used, at the option of each State, to prepare the plan required under paragraph (1) for the next fiscal year.".

(e) CONSISTENT TREATMENT OF ENERGY ASSISTANCE PAYMENTS.—Section 2605(f) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking out "provided to" and inserting in lieu thereof "provided directly to, or indirectly for the benefit of,"; and

(3) by adding at the end thereof the following:

"(2) For purposes of paragraph (1) of this subsection and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e))—

"(A) the full amount of such payments or allowances shall be deemed to be expended by such household for heating or cooling expenses, without regard to whether such payments or allowances are provided directly to, or indirectly for the benefit of, such household; and

"(B) no distinction may be made among households on the basis of whether such payments or allowances are provided directly to, or indirectly for the benefit of, any of such households.".

SEC. 505. GRANTS AND CONTRACTS FOR TECHNICAL ASSISTANCE AND TRAINING.

(a) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—The Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) is amended by inserting after section 2609 the following new section:

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 2609A. (a) Of the amounts appropriated under section 2602(b) for any fiscal year, not more than $500,000 of such amounts may be reserved by the Secretary—

"(1) to make grants to State and public agencies and private nonprofit organizations; or

"(2) to enter into contracts or jointly financed cooperative arrangements with States and public agencies and private nonprofit organizations;

to provide for training and technical assistance related to the purposes of this subtitle, including collection and dissemination of information about programs and projects assisted under this subtitle, and ongoing matters of regional or national significance that the Secretary finds would assist in the more effective provision of services under this title.

"(b) No provision of this section shall be construed to prevent the Secretary from making a grant pursuant to subsection (a) to one or more private nonprofit organizations that apply jointly with a business concern to receive such grant.".

(b) TECHNICAL AMENDMENTS.—Section 2604(a)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)(1)) is amended—

(1) in subparagraph (A) by inserting "after reserving any amount permitted to be reserved under section 2609A and" after "remaining"; and

(2) in subparagraph (B) by inserting "after reserving any amount permitted to be reserved under section 2609A" after "therefor".

SEC. 506. CONTENT OF REPORTS.

Section 2610(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8629(b)) is amended by inserting before the period at the end thereof the following:

", and a report that describes for the prior fiscal year—

"(1) the manner in which States carry out the requirements of clauses (2), (5), (8), and (15) of section 2605(b); and

"(2) the impact of each State's program on recipient and eligible households".

TITLE VI—CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the "Child Development Associate Scholarship Assistance Act of 1985".

SEC. 602. GRANTS AUTHORIZED.

The Secretary is authorized to make a grant for any fiscal year to any State receiving a grant under title XX of the Social Security Act for such fiscal year to enable such State to award scholarships to eligible individuals within the State who are candidates for the Child Development Associate credential.

SEC. 603. APPLICATIONS.

(a) APPLICATION REQUIRED.—A State desiring to participate in the grant program established by this title shall submit an application to the Secretary in such form as the Secretary may require.

(b) CONTENTS OF APPLICATIONS.—A State's application shall contain appropriate assurances that—

(1) scholarship assistance made available with funds provided under this title will be awarded—

(A) only to eligible individuals;

(B) on the basis of the financial need of such individuals; and

(C) in amounts sufficient to cover the cost of application, assessment, and credentialing for the Child Development Associate credential for such individuals; and

(2) not more than 10 percent of the funds received by the State under this title will be used for the costs of administering the program established in such State to award such assistance.

(c) EQUITABLE DISTRIBUTION.—In making grants under this title, the Secretary shall—

(1) distribute such grants equitably among States; and

(2) ensure that the needs of rural and urban areas are appropriately addressed.

SEC. 604. DEFINITIONS.

For purposes of this title—

(1) the term "eligible individual" means a candidate for the Child Development Associate credential whose income does not exceed the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), by more than 50 percent;

(2) the term "Secretary" means the Secretary of Health and Human Services; and

(3) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, and Palau.

SEC. 605. ADMINISTRATIVE PROVISIONS.

(a) REPORTING.—Each State receiving grants under this title shall annually submit to the Secretary information on the number of eligible individuals assisted under the grant program, and their positions and salaries before and after receiving the Child Development Associate credential.

(b) PAYMENTS.—Payments pursuant to grants made under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,500,000 for each of the fiscal years 1987, 1988, 1989, and 1990 for carrying out this title.

TITLE VII—EXCELLENCE IN EDUCATION

SEC. 701. TECHNICAL AMENDMENTS.

Section 604(b) of the Excellence in Education Act (20 U.S.C. 4033(b))is amended—

(1) in paragraph (2) by inserting after "fiscal year" the second place it appears the following: "in which the appropriations for that year exceed $15,000,000"; and

(2) in paragraph (3) by inserting after "fiscal year" the second place it appears the following: "in which the appropriations for that year exceed $15,000,000".

TITLE VIII—REPORT REGARDING HOURS OF EMPLOYMENT OF BAT BOYS AND BAT GIRLS

SEC. 801. REPORT TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall—

(1) determine whether a change in the permissible hours of employment for batboys and batgirls would be detrimental to their well-being and whether any such change should be proposed to the Congress; and

(2) submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives describing the results of such determination.

TITLE IX—BEGINNING READING INSTRUCTION STUDY AND LISTING REQUIRED

SEC. 901. STUDY AND LISTING REQUIRED.

(a) STUDY.—The Secretary of Education (hereinafter in this title referred to as the

"Secretary") shall conduct a study in order to compile a complete list, by name, of beginning reading instruction programs and methods, including phonics, indicating—

(1) the average cost per pupil of such programs and methods; and

(2) whether such programs and methods do or do not present well-designed instruction as recommended in the report of the Commission on Reading entitled "Becoming a Nation of Readers".

The listing required by this section shall be written in such a way as to be understandable to the general public.

(b) PUBLIC COMMENT.—In carrying out the study required by this section, the Secretary shall solicit public comments on beginning reading programs and methods.

(c) REPORTS.—The Secretary shall prepare and submit to the Congress such interim reports of the study and listing as the Secretary deems advisable. The Secretary shall prepare and submit a final report containing the listing required by this subsection to the Congress not later than 12 months after the date of the enactment of this Act. The Secretary shall publicize and disseminate nationally the listing required by this section to the education community, parents, and other interested persons.

TITLE X—EFFECTIVE DATES AND RELATED MATTERS

SEC. 1001. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever occurs later.

(b) EFFECTIVE DATE FOR ENERGY CRISIS INTERVENTION AMENDMENTS.—The amendments made by section 502(a) shall take effect on December 1, 1986, or 60 days after the date of the enactment of this Act, whichever occurs later.

(c) APPLICATION OF CERTAIN OTHER AMENDMENTS RELATING TO ENERGY ASSISTANCE.—The amendments made by subsections (a), (b), (c), and (d) of section 504 shall not apply with respect to any fiscal year beginning in or before the 60-day period ending on the effective date of this Act.

And the Senate agree to the same.

For consideration of the bill and all provisions (except title X) of the Senate amendment and modifications:

AUGUSTUS F. HAWKINS,
DALE E. KILDEE,
AUSTIN J. MURPHY,
MAJOR R. OWENS,
CARL C. PERKINS,
TERRY L. BRUCE,
DENNIS E. ECKART,
JIM J. JEFFORDS.

From the Committee on Energy and Commerce, for consideration of title III of the Senate amendment and modifications:

JOHN D. DINGELL,
ED MARKEY,
PHIL SHARP.

From the Committee on Education and Labor, for consideration of title X of the Senate amendment and modifications:

AUGUSTUS F. HAWKINS,
MARIO BIAGGI,
PAT WILLIAMS,
CHARLES A. HAYES,
DENNIS E. ECKART,
MATTHEW G. MARTINEZ,
JIM JEFFORDS,
BILL GOODLING,
TOM COLEMAN,
STEVE BARTLETT.

From the Committee on the Judiciary:

PETER W. RODINO,
DON EDWARDS,
JOHN CONYERS,
HAMILTON FISH,
F. JAMES SENSENBRENNER, Jr.

From the Committee on Energy, for consideration of section 1006 of the Senate amendment and modifications:

JOHN D. DINGELL,
HENRY A. WAXMAN,
Managers on the part of the House.

ORRIN G. HATCH,
PAULA HAWKINS,
DAN QUAYLE,
ROBERT STAFFORD,
EDWARD M. KENNEDY,
CHRISTOPHER DODD,
JOHN F. KERRY,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4421) to authorize appropriations for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs, and for other purposes submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted and substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

HUMAN SERVICES REAUTHORIZATION ACT

Citation

House bill—The House bill cites the Act as the Community Services Programs Amendments of 1986.

Senate amendment—The Senate amendment cites the Act as the Human Services Reauthorization Act of 1986.

Conference agreement—The House recedes.

HEAD START

Authorization

House bill—The House bill provides for authorization for Head Start at such sums as necessary for FY '87, FY '88, FY '89 and FY '90.

Senate amendment—The Senate amendment authorizes appropriations.

Fiscal year:	
1987	$1,130,542,000
1988	1,175,764,000
1989	1,222,795,000
1990	1,271,717,000

Conference agreement—The Senate recedes with an amendment to authorize the program at the following levels:

Fiscal year:	
1987	$1,198,000,000
1988	1,263,000,000
1989	1,332,000,000
1990	1,405,000,000

The Conferees direct the Secretary of Health and Human Services to distribute any appropriated funds for this program in a prompt manner. The conferees are concerned that delays in the receipt of funding awards can result in a reduction in program staff, an interruption of or reduction in vital education, health and social services and in certain instances, in additional and unnecessary costs being incurred by Head Start grantees.

Indian and migrant

House bill—The House bill provides that no less funds can be provided for Indian and Migrant programs for fiscal year 1987 and each subsequent fiscal year than were obligated for use in fiscal year 1985.

Senate amendment—The Senate amendment specifies that national funding for the Indian and Migrant Head Start programs is 7.1% of the amount appropriated for the total Head Start program.

Conference agreement—The Senate recedes.

Training and technical assistance

House bill—The House bill has no comparable provision

Senate amendment—The Senate amendment provides that in years when the Head Start appropriations are less than the FY 84 appropriation, funding for training and technical assistance shall be 3% of the appropriation.

Conference agreement—The Senate recedes.

Coordination

House bill—The House bill does not have a comparable provision

Senate amendment—The Senate amendment specifies that the type of programs Head Start agencies are to coordinate with are "state and local".

Conference agreement—The House recedes.

Income calculation

House bill—The House bill continues the current method of accounting income for purposes of determining eligibility for Head Start through fiscal year 1990.

Senate amendment—The Senate amendment continues the prohibition through 1990, of any change in the method the Secretary uses to calculate income used to prescribe eligibility for the participation of persons in the Head Start program if the change would result in any reduction or exclusion of persons in the program.

Conference agreement—The Senate recedes. The Conferees note under current law at least 10% of all of the enrollment opportunities in the Head Start program must be available for handicapped children to meet their very special needs. Handicapped children as defined by section 602(a)(1) of the Education of the Handicapped Act includes children who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services. Based upon the strong commitment displayed by Congress over the years to serve handicapped preschoolers through the Head Start program, the Conferees reiterate their support of the definition of handicapped children as de-

fined in the Education of the Handicapped Act, the Conferees expect that the individuals who fall within this definition will continue to be served with the Head Start program. The Conferees further intend that any proposed change in the handicapped eligibility criteria meet those standards.

FOLLOW THROUGH

House bill—The House bill extends the Follow Through program through 1990 at such sums as necessary.

Senate amendment—The Senate amendment does not have a comparable provison.

Conference agreement—The Senate recedes with an amendment to delete Section 668(b) of the Act and to authorize the program at the following levels:

Fiscal year:	
1987	$7,500,000
1988	7,800,000
1989	8,112,000
1990	8,436,000

Section 668(b) of the Follow Through Act provides that financial assistance under this subchapter shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, nor shall an application for refunding be denied, unless the recipient agency has been given reasonable notice and opportunity to show cause why such action should not be taken. In making this change, it is the conferees intent to emphasize that this is a competitive grant program and that the grant award process can consider applications other than existing grantees. However, current or past receipt of grants does not in or of itself preclude or give preference for consideration of future funding.

DEPENDENT CARE

Title

House bill—The House bill cites the Subchapter as "Dependent Care Programs Act".

Senate amendment—The Senate amendment cites the Act as the "State Dependent Care Development Grants Act".

Conference agreement—The House recedes.

Dependent care authorization

House bill—The House bill authorizes such sums as may be necessary for fiscal years 1987, 1988, 1989, and 1990.

Senate amendment—The Senate amendment reauthorizes the Dependent Care programs at

Fiscal year:	
1987	$20,000,000
1988	20,000,000
1989	20,000,000

Conference agreement—The Senate recedes with an amendment to authorize the program at the following levels:

Fiscal years:	
1987	$20,000,000
1988	20,000,000
1989	20,000,000
1990	20,000,000

The conferees direct the Secretary of Health and Human Services to distribute any appropriated funds for this program in a prompt manner.

Licensing

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment provides that the specified types of information on dependent care services to be made available by resources and referral systems are optional rather than mandatory. It eliminates the requirement that before and after school childcare programs be provided at community centers only where school facilities are not available and clarifies that the licensing laws and regulations with which applicants must comply are those relating to "child care".

Conference agreement—The House receded. It is the conferees intent that where school facilities are utilized for childcare, programs physically conducted in schools may calculated space which they have access to and regularly use for school age child care programs after 3 p.m.

Child care definitions

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment revises the definition of school-aged children to include children under age five, the younger age to be consistent with the age at which each state provides free public education to children.

Conference agreement—The House recedes.

COMMUNITY SERVICES BLOCK GRANT

CSBG authorization

House bill—The House bill authorizes $390,000,000 for fiscal year 1987 and such sums as may be necessary for fiscal years 1988, 1989 and 1990.

Senate amendment—The Senate amendment authorizes the CSBG program at

Fiscal year:	
1987	$381,409,000
1988	392,851,000
1989	404,636,000
1990	416,775,000

Conference Agreement—The Senate recedes with an amendment to authorize the program at the following levels:

Fiscal year:	
1987	$390,000,000
1988	409,500,000
1989	430,000,000
1990	451,500,000

Eligible entity

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment expands the definition of eligible entity to include programs which came into existence in FY 1982 as a direct successor to a community action agency and meets all of the board composition requirements of section 675(c)(3).

Conference agreement—The House recedes.

Transfer authority

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment requires that the allowed transfer of up to 5% of a state's allotment to specified programs or to provide assistance for state-awarded discretionary grants is to increase funds otherwise available to eligible entities under the Community Services Block Grant program. It prohibits the transfer of funds that would diminish the state's responsibility to pass through 90% of funds to eligible entities.

Conference Agreement—The Senate recedes.

Termination procedure

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment establishes procedures which the Secretary must follow in reviewing State proposed termination of funding to CAA's or migrant and seasonal farmworker organizations. The procedures include a prompt review and written determination by the OCS. The Senate bill also requires the Secretary to assume responsibility for funding the affected eligible entity if a state terminates funding prior to the completion of the required state hearing and Secretary's review.

Conference agreement—The House recedes with an amendment. The Conferees intend that in situations where the Secretary provides continuing funding to an eligible entity, the amount of funding provided will be subtracted from the state allotment.

Fiscal evaluations

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment combines the required investigation and evaluation of compliance requirements in the Community Services Block Grant program. It states that such compliance evaluations are to be made especially with regard to purposes of the Act to ameliorate the causes of poverty in communities, State public hearings on the proposed use and distribution of funds, and all the eleven agreements required of States in their annual applications for their allotments of funds. Such evaluations are to include the impact of funds under this program on children, homeless families, and the elderly poor. The Secretary will send recommendations of improvements on how to enhance the benefit and impact to people in need to each State and the State will then submit a plan of action in response to the recommendation contained in the report. Evaluation results are to be submitted annually to the Chairmen of the House Education and Labor and Senate Labor and Human Resources Committees.

Conference agreement—The House recedes with an amendment to add the category of pregnant adolescents to the list of which the Secretary will note the impact of CSBG funds during their evaluations.

Discretionary authority

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment authorizes the Secretary to fund national conferences, newsletters, and the collection and dissemination of data about programs and projects funded under the Community Services Block Grant program as part of training activities authorized under the program. It also specifies that community development corporations, which are one of the special emphasis programs for which funding is authorized, are to be governed by a board consisting of residents of the community and business and civic leaders.

Conference agreement—The House recedes. The Conferees intend that funds available under this provision not be utilized for political activities including direct support of a national association.

Community economic development discretionary authority

House bill—The House bill provides that the Community Economic Development discretionary program be carried out in accordance with the Community Economic Development Act. The House bill references Section 616 and 617(a) paragraphs (1) through (4) to provide better direction regarding the goals and structure of this discretionary program.

Senate amendment—The Senate amendment specifies that Community Development Corporations, which are one of the special emphasis programs for which fund-

ing is authorized, are to be governed by a board consisting of residents of the community and business and civic leaders.

Conference agreement—The House recedes. The Conference notes that the continuing crisis in the farm economy has resulted in dislocation and high rates of unemployment in many rural states. Subject to the changes in the Community Economic Development section made in this Conference report, the Secretary is directed to ensure that CED funds are granted to rural states or rural areas within states. The Secretary is expected to encourage applications for discretionary funds which promote job creation and enterprise development in distressed rural communities and promote coordination with other state and federal efforts.

Rural development loan fund

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment clarifies that the loans to borrowers made after the date of enactment of the Food Security Act and prior to the date of enactment of the Human Services Reauthorization Act of 1986 shall be transferred to and administered by the Secretary of Agriculture.

Conference Agreement—the House recedes with an amendment. The amendment makes a number of technical corrections to complete the transfer of rural development loan functions accomplished in large part by enactment of P.L. 99-198, the Food Security Act of 1985. That Act transferred to the Secretary of Agriculture funds available in the Rural Development Loan Fund established under section 623(c)(1) of the Community Economic Development Act of 1981 (42 U.S.C. 9801 et seq.) The Conference agreement ensures that all intermediary borrowers will be treated equitably, that the weighted average passed on by intermediary borrowers shall be no more than six points. The Conferees recognize that the cost of interest, administration, bad debt and technical assistance far exceeds the rate of interest charged by the intermediary on some loans but it is intended that the interest spread on individual loans be kept as close to six points as possible. The Conferees intend that funds available for loan purposes, i.e. repayments into the Rural Development Loan Fund, will be distributed in accordance with the provisions of Section 405 of the Human Services Reauthorization Act Amendments of 1986. It is the intent of the conferees that such distribution give high priority to rural areas in distress due to the farm crisis.

Rural community assistance programs

House bill—The House bill directs the Secretary to give priority to private nonprofit organizations that carried out such programs prior to the enactment of the Community Services Programs of 1986.

Senate amendment—The Senate amendment gives special priority to rural community assistance programs under the special emphasis program on rural housing and community facilities development.

Conference agreement—The Senate recedes with an amendment changing "such" to "community facility".

Poverty conference

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment directs the Secretary to appoint an advisory panel to develop and hold a national conference to exchange information on past approaches to the problems of poverty and to formulate plans for future methods of attacking the causes of poverty. The Secretary is directed to reserve $100,000 from administrative expenses to fund this conference. This section specifies the composition of the nine member panel and who is to designate each of its members.

Conference agreement—The Senate recedes.

Reports on Grants outside of competitive process

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment requires that the Chairman of the House Education and Labor and Senate Labor and Human Resources Committees are to be provided annually with a summary of final reports on projects assisted under the Secretary's discretionary authority and a list of grantees who have received funds under this authority outside of the competitive process. The Senate bill directs the Secretary to compile and make available a catalog listing information on the projects funded under the discretionary program.

Conference agreement—The House recedes.

COMMUNITY FOOD AND NUTRITION

House bill—The House bill continues authority for appropriations for Community Food and Nutrition programs at such sums as may be necessary for Fiscal Years 1987, 1988, 1989 and 1990.

Senate amendment—The Senate amendment extends the current authority for appropriations for the Community Food and Nutrition program at $2.5 million annually through 1990.

Conference Agreement—The Senate recedes with an amendment to specify that 60 percent of the funds appropriated shall be allocated as grants on the basis of poor and unemployed in each state and 40 percent of the grants shall be allocated on a competitive basis. In addition, the amendment authorizes the program at the following levels:

Fiscal year:

1987	$3,000,000
1988	3,000,000
1989	3,000,000
1990	3,000,000

The Conferees are concerned about past delays in the promulgation of regulations and distribution of federal grants, therefore, the Conferees direct the Secretary of Health and Human Services to issue a Request for Proposals no later than 90 days after enactment of the Act, and to obligate any appropriation made available no later than sixty days thereafter. In awarding grants under this authority, the Conferees expect the Department of Health and Human Services to take into consideration both the needs of Native Americans, migrants, seasonal and displaced workers and the demonstrated ability of state and local public and private nonprofit agencies to successfully develop and implement programs and activities similar to that authorized by Section 681A. It is the intent of the Conferees that agencies receiving grants under this Section give high priority to outreach and public education programs designed to inform low-income individuals of criteria for participation in and the nutrition services afforded by the various federally-assisted nutrition programs.

COMMUNITY SERVICES BLOCK GRANT DEMONSTRATION PROGRAM

CSBG demonstration projects

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment authorizes a new program for the development and implementation of new and innovative approaches to deal with particularly critical needs or programs of the poor which are common to a number of communities. Grants are to be made only for the projects which: can be closely coordinated with grantees' ongoing programs, involve significant new combinations of resources of new and innovative approaches involving partnership agreements, or will effectively promote the purposes of the Community Services Block Grant program. The Secretary is authorized to make grants to eligible entities to pay for no more than 50% of the costs of the program, with the non-Federal share to be in cash or in-kind. Not more than one grant may be made to a single entity, and no grant may exceed $250,000. Federal funds are to be for new programs; they may not substitute for programs previously carried out without Federal assistance; and other resources for the poor may not be diminished to provide the non-Federal match required for this program.

Conference agreement—The House recedes.

Authorization for community services block grant demonstration projects

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment authorizes $10,000,000 each for fiscal years 1987, 1988, and 1989

Conference agreement—The House recedes with an amendment to authorize grants for the Community Services Demonstration project at the following levels:

Fiscal year:

1987	$5,000,000
1988	5,000,000
1989	5,000,000

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

LIHEAP authorizations

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment provides authorization for appropriations for the LIHEAP program at

Fiscal year

1987	$2,163,000,000
1988	2,227,890,000
1989	2,294,726,000
1990	2,363,567,000

Conference agreement—The House recedes with an amendment to authorize the program at the following levels:

Fiscal year

1987	$2,050,000,000
1988	2,132,000,000
1989	2,218,000,000
1990	2,307,000,000

The House recedes with a further amendment to require the Secretary to issue a yearly report on the manner in which certain requirements of the law are being carried out and the impact of each state's program on recipient and eligible households. It is the conferees intent that the new reporting requirements be included as a part of reports currently required under the statute, not a separate report. The amendment allows not more than $500,000 for technical assistance.

Energy crisis

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment specifies that community-based organizations can be designated to administer LIHEAP payments for energy crisis intervention.

Conference Agreement—The House recedes with an amendment which specifies three components the crisis intervention programs shall include so as to ensure timely responses to emergency situations and that the special needs of handicapped and elderly are met. Conferees intended that the term nonprofit includes private community based organizations such as agencies on aging or community action programs. In providing specific performance standards at the end of section 2604(c), the conferees do not intend to require that the states actually deliver a check to an applicant or fuel vendor within the deadlines for delivering assistance. It is the intent of conferees to ensure that individuals who are in life threatening situations receive care. Noncash assistance will satisfy these standards as long as the assistance is received by the client within the deadlines specified in the statute. Examples of energy-related crisis intervention include space heaters, blankets, alternative shelter, payments, flexible arrangements with utility providers, and resolution of the crisis through means which result in the immediate provision of essential energy. States will be considered in compliance with this provision as long as the crisis is averted by the deadline. It is the conferees intent that the provision suspending the energy crisis intervention sections only applies in situations where the ability of programs to provide services is directly affected.

Indian tribal allotment under LIHEAP

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment directs the Secretary to include Indian households residing within the State on the tribe's reservation or on trust lands adjacent to the reservation when calculating tribal allotments instead of only Indian households of the petitioning tribe. The section further provides authority to the Secretary to allocate a great amount of Federal LIHEAP funding for a tribal organization if the Indian tribe and the State both agree to such amount. In the case of tribes that do not have reservations, the Secretary shall define a population for the purposes of this paragraph in consultation with the tribe and the State.

Conference agreement—The House recedes.

Applications

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment expands the requirements for the annual application under Section 2605(c) to stress that the neediest households receive the maximum assistance under LIHEAP. This section also repeals the requirement that States must describe the types of energy usage and the average costs of home energy by type of fuel for each region of the State.

Conference agreement—The House recedes with an amendment to Section 2605(b)(5) of such Act to give added emphasis to the fact that assistance should be directed to those most in need. The amendment would amend Section 2605(b) of LIHEAP in paragraph 5 by striking out "in a manner consistent with the efficient and timely payment of benefits" and insert "in a timely manner,". The amendment also reorganizes and revises the information which must be included in state plans.

State plans

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment reorganizes the requirements for the annual applications under Section 2605(b) of the Act and the State plan under Section 2605(c) of the Act.

Conference agreement—The House recedes with an amendment to include the Model Plan requirement. The amendment requires the Secretary to make available each year a model state plan format that may be used to prepare the next fiscal year's state plan. The Conferees want to clarify that the Model State plan format required under this section need not be redrafted each year.

Consistent treatment

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment clarifies that LIHEAP payments may not be considered as income in the determination of eligibility for Food Stamps. The section states that for the purposes of the Food Stamp Act the LIHEAP payments or allowances shall be deemed to be spent for heating or cooling expenses and no distinction shall be made regarding whether payments or allowances are provided directly to or indirectly for the benefit of any household. Amendments in this section are to become effective on date of enactment or October 1, 1986, whichever is later.

Conference agreement—The House recedes with a technical amendment.

Effective date

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment provides for an effective date of October 1, 1986 or the date of enactment of the Act whichever is later.

Conference agreement—The House recedes with an amendment to provide for an effective date of October 1, 1986 or the date of enactment of the Act whichever is later. The amendment specifies that the amendments made by subsections (a), (b) and (c) of Section 504 shall not apply with respect to any fiscal year beginning in or before the 60 day period ending on the effective date of this Act. The amendment specifies that the amendments made by Section 502 shall take effect on December 1, 1986 or 60 days after the date of the enactment of this Act, whichever occurs later.

CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP

Child development associate scholarship

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment authorizes the Secretary of Health and Human Services to award Child Development Associate Scholarship grants to any State receiving federal funds under the Social Services Block Grant. The grants may be used by the States to award scholarships to individuals who are eligible candidates for the Child Development Associate credentials. The Senate bill specifies assurances that the State must make on grant applications. These assurances include that the scholarship be awarded only to eligible individuals on the basis of financial need; in an amount sufficient to cover the costs of application, assessment and credentialing and that no more than 10% of the grant will be used on administrative costs. The Senate bill defines eligible individuals as those whose income does not exceed 150% of poverty. The Senate bill requires each State receiving a grant to submit an annual report on the number of eligible individuals assisted under this Act and their position and salaries before and after receiving the CDA credential.

Conference agreement—The House recedes with an amendment to delete the phrase "the various regions of the nation" from Section 503(c)(1). It is the intent of the Conferees that scholarship assistance for the CDA credential made available with funds under this title shall be made equally available for individuals working in family day care homes and child care centers as for those working in Head Start programs. In making grants under this section, the Secretary shall redistribute equitably any funds left over in the event that any state fails to apply. Further, the Conferees direct the Secretary of Health and Human Services to distribute any appropriated funds in a prompt manner and that regulations be promulgated within ninety days of enactment of these provisions.

CDA authorization

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment authorizes appropriations at the following levels:

Fiscal year:	
1987	$1,500,000
1988	1,500,000
1989	1,500,000
1990	1,500,000

Conference agreement—The House recedes. The conferees direct the Secretary of Health and Human Services to distribute any appropriated funds for this program in a prompt manner.

EXCELLENCE IN EDUCATION

Excellence in education

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment contains a provision which clarifies a clause in the Excellence in Education Act that authorizes funding for grants which are secured by private-sector funds. The Senate bill will limit the use of the set-aside until such time as appropriations reach at least $15 million.

Conferees agreement—The House recedes.

BAT BOYS

Bat boys

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment amends the Fair Labor Standards Act to permit an exemption for children ages 14 and 15 to work up to 11:00 pm when school is in session two nights a week as bat boys and bat girls for league baseball games.

Conference agreement—The Senate recedes. The Conference agreement directs the Secretary of Labor to issue a report regarding whether a change in permissible hours of employment for bat boys and girls would be detrimental to their well being and whether or not such a change should be proposed. The report is required to be submitted to the Chairman of the House Committee on Education and Labor and the Senate Committee on Labor and Human Re-

sources within six months of date of enactment.

PRIMATE RESEARCH

Primate research

House bill—The House bill has no comparable provision

Senate amendment—The Senate amendment designates the Laboratory for Experimental Medicine and Surgery for Primates (LEMSIP) which is located in Sterling Forest New York as a regional primate center, thus making it eligible to compete for NIH grants.

Conference agreement—The Senate recedes.

READING INSTRUCTION

Reading instruction

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment requires the Department of Education to compile a complete list, by name, of beginning reading programs, indicating whether they do or do not present well-designed phonics instruction as recommended by "Becoming a Nation of Readers".

Conference agreement—The House recedes with an amendment to require the Secretary of Education to conduct a study in order to compile a complete list by name of beginning reading instruction programs and methods, including phonics. This listing shall indicate the average cost per pupil of such programs and methods and whether they do or do not present well-designed instruction as recommended in the report of the Commission on Reading.

CHILDREN'S JUSTICE ACT

Children's Justice Act

House bill—The House bill does not have a comparable provision

Senate amendment—The Senate amendment amends the Child Abuse Prevention and Treatment Act to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of child abuse cases.

Conference agreement—The Senate recedes.

For consideration of the bill and all provisions (except title X) of the Senate amendment and modifications:

AUGUSTUS F. HAWKINS,
DALE E. KILDEE,
AUSTIN J. MURPHY,
MAJOR R. OWENS,
CARL C. PERKINS,
TERRY L. BRUCE,
DENNIS E. ECKART,
JIM J. JEFFORDS.

From the Committee on Energy and Commerce, for consideration of title III of the Senate amendment and modifications:

JOHN D. DINGELL,
ED MARKEY,
PHIL SHARP.

From the Committee on Education and Labor, for consideration of title X of the Senate amendment and modifications:

AUGUSTUS F. HAWKINS,
MARIO BIAGGI,
PAT WILLIAMS,
CHARLES A. HAYES,
DENNIS E. ECKART,
MATTHEW G. MARTINEZ,
JIM JEFFORDS,
BILL GOODLING,
TOM COLEMAN,
STEVE BARTLETT.

From the Committee on the Judiciary:

PETER W. RODINO,
DON EDWARDS,
JOHN CONYERS,
HAMILTON FISH,
F. JAMES SENSENBRENNER, Jr.

From the Committee on Energy, for consideration of section 1006 of the Senate amendment and modifications:

JOHN D. DINGELL,
HENRY A. WAXMAN,
Managers on the Part of the House.

ORRIN G. HATCH,
PAULA HAWKINS,
DAN QUAYLE,
ROBERT STAFFORD,
EDWARD M. KENNEDY,
CHRISTOPHER DODD,
JOHN F. KERRY,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 4021, REHABILITATION ACT AMENDMENTS OF 1986

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4021), to extend and improve the Rehabilitation Act of 1973, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. HAWKINS, BIAGGI, WILLIAMS, MARTINEZ, HAYES, ECKART of Ohio, WALDON, JEFFORDS, GOODLING, COLEMAN of Missouri, and BARTLETT.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4116, DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1986

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4116) to extend and improve the Domestic Volunteer Service Act of 1973, with a Senator amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees:

For consideration of all provisions of the House bill and of the Senate amendment and modifications committed to conference: Messrs. HAWKINS, ECKART of Ohio, JEFFORDS, and COLEMAN of Missouri.

For consideration of all provisions of the House bill and of the Senate amendment (except sections 3, 4, 5, 7, and 8(a) of the House bill and sections 3, 6, and 9 of the Senate amendment) and modifications committed to conference: Messers. KILDEE, OWENS, PERKINS, BRUCE, PETRI, and TAUKE.

For consideration of all provisions of the House bill and of the Senate amendment (except sections 8(b), 8(c), 8(d), and 9 of the House bill and sections 4, 5, and 10 of the Senate amendment) and modifications committed to conference: Messrs. WILLIAMS, BIAGGI, MARTINEZ, HAYES, WALDON, GOODLING, and BARTLETT.

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4868, ANTI-APARTHEID ACT OF 1986

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 548 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 548

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House, without intervening motion, a motion if offered by the chairman of the Committee on Foreign Affairs to take from the Speaker's table the bill (H.R. 4868) to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes, with the Senate amendment thereto, and to concur in the Senate amendment, and the Senate amendment shall be considered as having been read. Debate on said motion shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the previous question shall be considered as ordered on said motion to final adoption without intervening motion, and all points of order against said motion are hereby waived.

SEC. 2. Upon the adoption of the motion provided for in section 1, the House shall be considered to have adopted a House resolution containing the text: "*Resolved,* That in passing the bill, H.R. 4868, as amended by the Senate, it is not the intent of the House of Representatives that the bill limit, preempt, or affect, in any fashion, the authority of any State or local government or the District of Columbia or of any Commonwealth, territory, or possession of the United States or political subdivision thereof to restict or otherwise regulate any financial or commercial activity respecting South Africa".

□ 0935

The SPEAKER pro tempore. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 548 makes it in order for the chairman of the Foreign Affairs Committee to make a motion that the House concur in the Senate amendment to H.R. 4868, a bill which prohibits future loans to and investments in South Africa.

All points of order against the motion are waived under the provisions of the rule.

The rule also provides that the motion to concur in the Senate amendments is to be debatable not to exceed 1 hour—the time equally divided between the chairman and ranking minority member of the Committee on Foreign Affairs.

After debate is completed, a vote will occur on the motion. Adoption of the motion by the House will clear the bill for the President's signature.

The rule also provides that upon adoption of the motion to concur in the Senate amendment, the House shall be considered to have adopted a House resolution consisting of language which is contained in section 2 of the rule itself.

The text of the resolution states that in passing H.R. 4868, it is not the intent of the House that the bill should limit the ability of State or local governments to restrict or regulate financial or commercial activity relating to South Africa.

Mr. Speaker, today this House stands on the brink of passing historic legislation that will place the United States on the side of 24 million black South Africans trapped under the iron fist of apartheid. Enactment of the Anti-apartheid Act of 1986 would be the first significant step of this Congress to put moral force behind the administration's rhetorical condemnations of the racist regime in South Africa. No longer will we turn our heads and look the other way while millions of innocent men, women, and children suffer and die because of one reason, and one reason only—the color of their skin.

Among its major provisions, H.R. 4868 would prohibit importation into the United States of all products produced by any South African Government-owned or controlled organization. However, strategic minerals important to our military needs would be exempted from this prohibition if the President certifies to Congress that the amounts produced in the United States are inadequate to meet those needs. In addition, the importation of several specific items would be banned, including textiles, uranium, iron and steel, coal, and agricultural products.

Another new sanction in the bill would bar all new United States loans to South African businesses and the Government. United States firms would be prohibited from making any new investments in South Africa, except to those firms owned by black South Africans.

This legislation would prohibit any South African-owned airline from operating in the United States and ban all United States airlines from taking off or landing in South Africa.

These are some of the more important sanctions contained in the act. However, the President could suspend or modify any of the sanctions in the bill if he reports to the Congress that the South African Government has made substantial progress toward dismantling the apartheid system. Such progress would include the release of black leader Nelson Mandela and other political prisoners and repeal of the current state of emergency.

My colleagues, the apartheid system is founded on institutionalized racism, enforced by brutality, and sustained in no small measure by American compliance. The repression of that system draws a race of war of immense proportions closer by the day. The few voices of peace and moderation still left in South Africa are slowly drowning in a sea of blood, clinging to a branch of hope that this country will bring pressure to bear on a still intransigent regime.

We must respond in a meaningful way to the cries of reasonable black and white South Africans. Their cries have carried a loud, clear message for many years: The international community must apply sanctions against the South African Government. Sanctions represent the only means left by which the West can offer effective support to the cause of freedom in South Africa.

No doubt we will again be warned that sanctions will hurt those we are trying to help—black South Africans—as if this revelation of truth has gone unnoticed by black South Africans.

Those concerned with the effect of sanctions on the already miserable conditions of black South Africans will be relieved to know that punitive economic sanctions are supported by the African National Congress, the United Democratic Front, the largest trade unions, most prominent church leaders, including Bishop Desmond Tutu, Rev. Alan Boesak, and the leading Catholic hierachy in South Africa.

A clear consensus exists among black South Africans in support of this legislation. A clear consensus exists among our constituents to apply sanctions against Pretoria. Now, hopefully, a clear consensus exists in this Congress on the need for this legislation, on the need to bring moral conviction to United States policy in South Africa.

The time is upon us. Admittedly, this bill cannot guarantee peace in South Africa; it cannot guarantee freedom for black South Africans; it cannot guarantee an end to apartheid in South Africa. But it can guarantee one thing: That the rest of the world—especially those suffering in South Africa—will know that this Congress witnessed evil and had the guts to take a stand. Mr. Speaker, let's take that stand. We can do no less than that.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, House Resolution 548 is a limited rule under which the House will consider agreeing to the other body's version of a bill imposing economic sanctions against South Africa.

This rule eliminates the necessity for a conference with the Senate on the bill, H.R. 4868, which the House passed on June 18.

Mr. Speaker, the rule provides for consideration of the motion to agree to the Senate amendments in the House and no amendments will be in order.

The rule provides for 1 hour of debate on the motion, which is to be equally divided between the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs; and the gentleman from Michigan [Mr. BROOMFIELD], the ranking Republican member of the Committee on Foreign Affairs.

Mr. Speaker, the rule waives all points of order against the motion to agree to the Senate amendments, in order that the House might accommodate the leadership's desire to complete action on this legislation this week.

The rule also includes the text of a resolution expressing the intent of the House that the bill not limit, preempt, or affect in any fashion, the authority of State and local governments to impose sanctions of their own.

Mr. Speaker, section 2 of the rule is included because a provision of the Senate amendment apparently has the effect of giving State and local governments 90 days to bring their laws into conformity with the bill, or face the possible loss of Federal funds.

Although I do not like the idea of Congress telling our State and local governments they must do something or face the loss of funds they are otherwise entitled to by law, the area of foreign policy belongs primarily to the Federal Government.

Mr. Speaker, there was no opposition to this rule during our hearing in the Committee on Rules last night. Many Members may very well be opposed to the Senate amendment, but there is also ample reason to oppose this rule on procedural grounds alone.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, this is an embarrassment for the House; but we are used to embarrassments. Yesterday we dealt with an omnibus blockbuster bill on drugs that went from aardvark to zebra. There had been no hearings to make the thing coherent, intelligible, but we got on the train and it went down the track and now today, another rush to judgment on a bill that is of great importance, that I have not seen a copy of. It is not here in the Chamber; I have looked under the chairs and all over, but we are going to move on it, because that same train is gathering speed.

I hope during the debate the defenders of the Constitution, who were so evident here yesterday and who expressed with some passion their concerns about the sanctity of the unreasonable search and seizure provisions of the Constitution, will today explain their reaction to article I, section 8 of the Constitution which says Congress shall have the power to regulate commerce with foreign nations.

Because in our rush over the cliff of legislative prudence, we are going to adopt a motion here that says that it is not the House's intent that this bill limit, preempt or affect in any fashion the authority of any State or local government or the District of Columbia to restrict or otherwise regulate any financial or commercial activity respecting South Africa.

I would like some of you scholars of the Constitution to explain how that squares with article I, section 8 of the Constitution. Or do we pick and select those parts of the Constitution we choose to recognize, and we ignore the others.

Now, you are not treating this issue seriously if you do not give us a chance to read what the sanctions are. You do not give us a chance to study them, and I suggest that this issue deserves more than a rush to judgment and shoving it down everybody's throat.

□ 0945

I am concerned about sanctions. I want moderation. I am not looking for a revolution to tear the African Continent apart. But I think there are those who want a revolution, and nothing short of a revolution will satisfy them. But this is unconstitutional, it is an embarrassment. It is a terrible way to legislate on important, serious matters, and I repeat it is an embarrassment. I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the seriousness of the concern of the gentleman, and certainly Members of the House ought to have the opportunity to review this significant historic legislation. As the gentleman is aware, this legislation passed the other body some time ago in the middle of August and has in fact been available to all the Members of the House to review since that time. So all of the Members have had the opportunity to look at the sanctions. The sanctions will be thoroughly debated when we get to the review of the bill itself, and there will be 1 hour allotted to that review process.

Mr. GRAY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WHEAT. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding.

Is it not true, I would ask the distinguished gentleman from Missouri—I would ask the gentleman, is it not true that the bill that is coming before the House as a result of this rule, if it is passed, is a bill written by the Republican leadership of the other body and was written and passed and debated for several weeks and had several hearings? And is it not true that most of the provisions in that bill are very similar to provisions that have been debated and considered on the floor of the House at one time or another and there have been hearings by the Committee on Foreign Affairs, which I think the gentleman has a crucial interest and maybe even a membership on, is that not true?

Mr. WHEAT. The gentleman states it correctly. We will in fact be debating the bill verbatim that was written by members of the other party in the other body.

Mr. GRAY of Pennsylvania. May I ask another question?

Mr. WHEAT. Certainly.

Mr. GRAY of Pennsylvania. With regard to the item read by the gentleman with regard to the rule and its constitutionality, it is my understanding that this writing is intended primarily to protect States rights and local governments' rights under the Constitution with regard to how they handle their financial affairs. It is not designed in any way, shape, or form to give State government and local government the ability to regulate international commerce, but it is designed primarily to express the intent that we, in no way, want to interfere with the judgment of any State legislature, any council which decides how it wants to regulate its own financial affairs with regard to things such as pension funds; is that not correct?

Mr. WHEAT. That is my understanding, that is the intent, is not to provide any new additional authority to State and local governments but merely not to preempt actions that they may have in fact taken with regard to this issue at this point, nor actions that they contemplate taking in the future.

Mr. GRAY of Pennsylvania. If the gentleman would further yield, so that is what you would be doing, you would be protecting the right of Governors like Tom Kean of New Jersey, a Republican Governor, or Governor Deukmejian of California, a Republican Governor, who have said that they have a special concern about how their States handle their pension funds and investments; is that not correct?

Mr. WHEAT. The rights of all States and local municipalities would be protected under the House resolution we would be adopting today.

Mr. GRAY of Pennsylvania. I was wondering, I would think many of our colleagues who, for many years, have been very concerned about Federal activities intervening in State and local governments and who have been arguing for greater State and local control would now be concerned about such a statement of intent since clearly what this is intended to do is to say that any action we take is not intended to preempt State and local governments from handling their own personal or their own jurisdictional financial affairs. So I would hope that everyone would understand that and that many of the gentlemen from the other side of the aisle who have been leaders in this country for several decades arguing about the Federal Government's intrusion into State and local affairs, would understand that this is a clear statement of that which they have argued for many, many years.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. WHEAT. I would be happy to yield to the gentleman from Illinois immediately after I yield to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. I thank the gentleman for yielding.

I would simply say in response to the constitutional question that the bill does not amend the Constitution because it cannot do so. So the Constitution is still the Constitution. And if a State or local government is doing something that is unconstitutional, it is still unconstitutional, I say to the gentleman from Illinois. The bill does not change that situation one bit; he knows it and I know it; we all know it.

With respect to the availability of the printed material, let me say it has never been the practice, as far as I know, since I have been here to print up the Senate amendment and distribute it as an original bill. The only way that is available is in the engrossed copy or when it is printed in the RECORD on the Senate side. What we are doing here today is totally in order, and that is to take up the Senate amendment.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. WHEAT. I would be happy to yield some of this side's time to the distinguished gentleman from Illinois.

Mr. HYDE. I will try to be brief. I thank my friend for yielding.

I appreciate the constitutional instruction from the chairman of the Committee on Foreign Affairs that we are not trying to amend the Constitution. I had discerned that myself from reading this document. But I suggest the gentleman has never addressed what rights the States have to regulate foreign commerce because the Constitution says Congress shall have the right and the power to regulate foreign commerce. You are saying you

are safeguarding the States' rights. They have no rights to regulate foreign commerce. While this does not amend the Constitution, as a matter of fact, it does not have the force of law, it is the sense of the House. But I suggest to you that in the plain reading of the English language in the Constitution, article I, section 8, it is the nonsense of the House, not the sense of the House.

I thank my friend for yielding.

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield 5 minutes to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the rule before this body. Millions of our constituents have devoted countless time and energy to help place our great Nation on the side of justice and freedom in South Africa. Their tireless efforts to end United States support for the racist and inhuman Government of South Africa have resulted in the passage of anti-apartheid ordinances and laws in about 20 States and 80 cities throughout our country, including my home city of Houston, TX.

On June 18, 1986, the House of Representatives responded to the mandate of the American people by approving a comprehensive sanctions package authored by my good friend and colleague from California, RON DELLUMS, that would have ended all United States investment in and trade with South Africa. Subsequently, the other body approved a less stringent and less comprehensive measure against South Africa.

While the other body's language fails to end all commercial activity between the United States and South Africa, it does demonstrate to South Africa and the world the end of United States political support of a racist regime.

I am, however, particularily concerned, as I'm sure many of my colleagues are, over the other body's statutory silence on the question of Federal preemption over more stringent local and State ordinances and laws.

The rule before us has my strong support because its language clearly states that it is not the intention of this body to preempt or supercede any local and State laws referring to South Africa.

In the absence of statutory language in the other body's text, it is essential that we in this body establish a legislative history of intent not to preempt or supercede local and State anti-apartheid ordinances and laws.

I am concerned that without the clarifying language of intent contained in this rule, we risk losing the significant advance by the American people on local and State levels.

On a question of such magnitude, in which the American people have repeatedly and unequivocally called for an end to the oppression and violence that is apartheid, it is unconscionable for us—their elected Federal representatives—to ignore their mandate.

As Members of the House of Representatives we must emphatically state—for the record—that it was and is not our intention for the legislation soon before us to negate, in any form or fashion, any and all local and State anti-apartheid measures, ordinances and laws which resulted from the tireless efforts of millions of our constituents struggling to help bring peace and freedom to South Africa.

I would like to again commend my colleague of course from Missouri who has led us with the rule itself, has given us an incredible opportunity here to make that statement. I would also like to commend again the gentleman from California [Mr. DELLUMS], for his leadership in this matter, for providing us on balance the real debate on the issue of apartheid and how it is that we should challenge it.

I thank the Speaker and urge all my colleagues to join me in supporting this rule.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DANIEL). The gentleman yields back 1 minute.

Mr. TAYLOR. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. I thank the gentleman for yielding.

Mr. Speaker, every Member of this Chamber believes apartheid is an abhorrent policy. I am one of those, however, who have some lingering concern about the effectiveness of sanctions to eliminate that situation, or to improve the situation that exists in South Africa.

I ask for this time this morning, Mr. Speaker, and I rise in opposition to the process that is being utilized in this measure as I speak. This matter was not on the whip notice which is traditionally given to us at the end of the previous week so that we might know what will be considered by this body. This matter was not on the printed agenda, it was placed on the agenda only last evening at something around 10 p.m. by the leadership who only decided yesterday that they would accede to the Senate version of this legislation. The point is that we are asked to vote on a very important matter when there is not even a copy available on the floor of this Chamber, as we engage in this debate. We do not have a copy of the Senate version of this bill in the Cloakroom. The staff does not have a copy to give to us. It was not printed in the CONGRESSIONAL RECORD and the document room indicates it does not have a copy available. The Senate bill is 70 pages long and nobody has a copy of it to even look at as we discuss this matter. There isn't even a summary available for review.

Mr. Speaker, there is something fundamentally wrong with the legislative process when the greatest deliberative body of the strongest nation in the free world is asked to take some critically important action without even having the simple expediency of a piece of paper to read to see what it says that we are about to do. I suggest to you this resolution reads that we "concur in the Senate amendment and the Senate amendment shall be considered as having been read." The reason we do not read it is because nobody has got one. How do we know what we are about to do?

The bill as passed by the House was enormously different than the version adopted by the Senate. Who can tell me whether it says in the Senate version that we must negotiate only with the African National Council which has a large Communist representation in its membership? That's what the House bill provided. Who can tell me whether the Senate version says there must be immediate disinvestment without any opportunity for the extension of economic credit for health, or for humanitarian concerns or for any other reason? Does anybody know what we were asked to vote for here this morning?

Mr. DELLUMS. Mr. Speaker, will my colleague yield?

Mr. PARRIS. I would be glad to yield to my distinguished friend.

Mr. DELLUMS. I appreciate my distinguished colleague yielding, and I in no way wish to challenge the gentleman's concern with respect to process. But I would just say I know that my colleague has been here long enough to know that we do not print Senate amendments other than the day that they are passed in the Senate and then printed in the RECORD. That is tradition. That is a matter of fact.

Mr. PARRIS. I would simply say to my friend that, had I been informed that this matter was coming up this morning. I would hope, in the face of an important consideration on the drug abuse problem of yesterday on which we spent all day and until 10:30 last night, had I known that we were not going to approach the problem, if you will, of tax reform which I am trying to do a little study about, had it not been for the fact that we are going into the continuing resolution next week and the reconciliation act which represents the expenditure of one-half trillion dollars, on which I have been spending some time, I would have tried, had time permitted, to look at this matter. But nobody ever told any of us; not just me that this matter was pending and would be considered this morning. I am not the only person around here

who did not know until last night at 10 p.m. that this matter was coming up because the leadership did not know. Had we been given some kind of reasonable notice, then those of us who were unable to address our attention to this matter at an earlier time would be in a different situation. The situation we have here today is totally unconscionable, regardless of the merits of the issue addressed by this legislation. How can we as the elected leadership of the citizens of the United States take some action as critically important to the continent of Africa and the citizens of South Africa, black or white, as this without even knowing what we are doing and without an adequate time for consideration or debate? I respectfully submit that that is exactly what we are are doing here this morning.

Now, on the question of constitutionality or unconstitutionality, I would say to my friend, the chairman of the Committee on Foreign Affairs, if you believe this matter is clearly unconstitutional, which it obviously is, then we ought not to vote for it. It is not a question of whether we are amending the Constitution. This resolution says it is not the intent of this Congress to limit or preempt the District of Columbia to restrict or otherwise regulate any financial or commercial activity respecting South Africa.

□ 1000

What that means, Mr. Speaker, is that every political jurisdiction in this Nation can restrict the sale of Ford auto parts unless it disinvests its presence in South Africa. That is in direct opposition to article I, section 8 of the Constitution and should therefore be rejected.

I think the consideration of this proposal under this process this morning is simply outrageous.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule and in support of the House passage of this measure.

I wish we were voting on a conference report that was closer to the version that the House passed earlier this year. The amendment of the gentleman from California was the toughest sanctions bill that we have ever considered in the House, and we passed it.

I spent 10 days in South Africa during August, and I come back with the conviction that economic leverage, strong economic leverage, as mandatory and as universal as we can achieve is the last hope that we have to avoid a holocaust in South Africa of great bloodshed and suffering.

The debate is not whether some in South Africa will suffer, including some blacks will suffer, from sanctions. The question is whether or not that economic hardship can be used as leverage for the change that must come for majority rule in that country. That is where things must go. The question is: Is this Nation, is this Congress, going to put itself squarely on the side of that change and use the powers that are available to us to help bring it about?

There cannot be change in South Africa without sacrifice of the white majority, those who have controlled the destiny there for too long. If we can do it with economic pressure, we will gain much in that regard. For too long we have searched for and found excuses not to act, but our failure to act will be recorded against us long into the future.

I hope the House will take this opportunity to move one small step in the right direction. The decision now will be up to the President whether or not he wants a peaceful and rapid change to majority rule in South Africa.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, for 1 moment, I want to add my voice to those who have gone before me, and not to talk about the oppressive laws of South Africa. I think we could get a total majority in this House, a total vote, against those laws.

What I am talking about is not the Constitution of South Africa, but the Constitution of the United States. And I would ask us for 1 moment to take a look at what we are doing here. I might take just 1 moment to give a short lesson in constitutional law.

The several States of this Nation came together 200 years ago and granted certain powers to the Federal Government. Specifically, those powers not specifically granted to the Federal Government are reserved to the States, and that is what those of us who believe so strongly in States' rights are talking about.

But even those of us who are so strongly in favor of States' rights do understand that there are some specific powers that were granted to the Federal Government. I read to you: "The Congress shall have the power to regulate commerce with foreign nations."

Even 200 years ago our forefathers recognized the importance of speaking with one voice. If we want to expand the sanctions, let us do it from Washington. We are the United States speaking to the Union of South Africa about an oppressive regime. We are not the District of Columbia, the State of Florida, the State of Texas or the State of Pennsylvania.

Can you imagine in other situations how confusing it would be for the world for the 50 States and the District of Columbia to be speaking and espousing the public policy of this United States as it applies to foreign nations? It is wrong. It is unconstitutional, and it damages the image that this country wishes to portray to the entire world in dealing with foreign countries.

Mr. WHEAT. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I hope to speak during the debate on the bill itself about the fundamental justification for the adoption of this legislation. During the course of the debate on the rule, I simply want to confine myself to commenting on the issue of preemption.

I want to make the point that in addition to the language included in the rule before us which makes it clear that it is the intent of the House that the adoption of the legislation on South Africa not preempt State and local authorities from taking their own actions with respect to South Africa, that there has been a memorandum prepared at my request by the law division of New York City which makes it very clear, I think, that with but one exception, there is nothing in the bill that came out of the Senate which would preempt the right of State and local governments to take their own actions concerning apartheid.

I am including the memorandum at this point as a way of further bolstering the legislative history on this issue.

The memorandum follows:

THE CITY OF NEW YORK,
LAW DEPARTMENT,
New York, NY, September 11, 1986.

MEMORANDUM

To: Hon. STEPHEN SOLARZ, Member of Congress.

From: Paul T. Rephen, Chief, Division of Legal Counsel.

Re: Status of State and Local Anti-Apartheid Legislation under the Proposed Comprehensive Anti-Apartheid Act of 1986.

You have asked for our view as to the effect of the proposed Comprehensive Anti-Apartheid Act of 1986, as approved by the Senate, on the ability of state and local governments to continue to enforce their anti-apartheid legislation. Such legislation generally limits the power of government to enter into contracts with certain companies doing business in South Africa or requires divestiture of stockholdings in those companies. For the reasons explained below, it is our view that if the Senate bill in its current form is enacted into law, state and local governments will continue to be able to enforce

their laws, except with respect to contracts that are federally-aided.

The Senate considered the effect of its bill on state and local laws during a debate on August 15, 1986. The issue was raised when Senators D'Amato and Moynihan introduced an amendment that would have preserved the right of state and local governments to apply their anti-apartheid legislation to federally-aided contracts, as long as the state or local government assumed any increase in the cost of a contract resulting from the application of its law. Senator D'Amato explained that early this year the United States Department of Transportation had withheld approval of funding for highway contracts by the City of New York on the ground that application of the City's Local Law 19, which provides for the award of a contract to other than the lowest bidder in certain circumstances where the lowest bidder does not agree to refrain from doing business with the agencies that enforce apartheid, conflicts with federal competitive bidding requirements. Senator D'Amato also noted that Congress had provided relief to the City by enacting legislation that would enable the City to apply Local Law 19 to its federally-aided contracts through the end of the current federal fiscal year, September 30, 1986. The purpose of the D'Amato/Moynihan amendment to the Senate version of the Comprehensive Anti-Apartheid Act was to make this protection permanent, and to extend it to all state and local governments that have adopted similar legislation. As Senator D'Amato observed, such legislation has been enacted by at least 25 local governments.

Senator Lugar opposed the D'Amato/Moynihan amendment on the ground that the proposed federal legislation should preempt state and local legislation concerning South Africa. When Senator Pell commented that the legislation should not interfere with divestiture programs that have been adopted by some states, Senator Lugar responded that this matter would have to be resolved by the courts, but the D'Amato/Moynihan amendment "muddies the water with regard to the preemption issue." After this discussion, a vote was taken on the amendment, and it was defeated by a vote of 64–35, with one abstention.

Senators D'Amato and Moynihan then offered another amendment, which was adopted by the Senate. This amendment, now § 606 of the Senate bill, provides:

"Notwithstanding section 210 of Public Law 99–348 or any other provision of law—

"(1) no reduction in the amount of funds for which a State or local government is eligible or entitled under any Federal law may be made, and

"(2) no other penalty may be imposed by the Federal Government,

by reason of the application of any State or local law concerning apartheid to any contract entered into by a State or local government for 90 days after the date of enactment of this Act."

Senator D'Amato explained that this amendment gives local governments that have passed anti-apartheid legislation 90 days after the date of enactment of the proposed federal law "to change their laws," and said that it "prevents any loss of Federal funds that might result from the passage of the anti-apartheid legislation on a local basis."

The amendment adopted by the Senate appears to allow state and local governments to continue to apply their local anti-apartheid legislation to federally-financed contracts for a period of up to 90 days following the enactment of the proposed federal law, while at the same time allowing the state and local governments time to exclude federally-funded contracts from the operation of their legislation.

By adopting this amendment, it would appear that the Senate did not intend to preempt all state or local laws concerning South Africa. Rather, the Senate bill only precludes states and localities from applying such laws to contracts funded by the federal government. Senator D'Amato's comments in support of his and Senator Moynihan's amendment indicate that the amendment's purpose was to permit states and localities to continue to enforce their statutes dealing with South Africa except in the case of federally funded contracts. We have consulted with Senator D'Amato, and he confirms this interpretation of his amendment.

I believe the adoption of the rule will make it crystal clear the House does not intend that this legislation on South Africa preempt the right of State and local authorities to take action on South Africa, and this memorandum of law makes it clear that neither did the Senate intend to do so either, regardless of some passing observations that may have been made by one Member of the other body during the course of the debate.

Mr. SHAW. Mr. Speaker, will the gentleman yield to me?

Mr. SOLARZ. I yield to the gentleman from Florida.

Mr. SHAW. The question is not the point of talking about whether or not we are preempting the States rights. The problem is in the wording of the resolution itself. It said, and I read:

* * * The authority of any State or local government or the District of Columbia or of any Commonwealth, territory, or possession of the United States or political subdivision thereof to restrict or otherwise regulate any financial or commercial activity respecting South Africa.

That is all inclusive of the powers that have been specifically reserved to the Federal Government.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Florida, the very distinguished chairman of the Foreign Affairs Committee.

Mr. FASCELL. Mr. Speaker, the answer is obviously simple in the sense that if the States and local governments do not have authority, then they do not have it under the Constitution. So it does not make any difference how you read this language. It is immaterial, because it cannot change the Constitution.

If the States are now doing something unconstitutional, then it is unconstitutional. This legislation does not clothe them with any additional power.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, we simply do not have enough time, this rule does not allow enough time for us to debate the ramifications of the Senate bill adequately.

I want to make three points. The pain and suffering that colleagues on the other side of the aisle say is necessary to bring about positive change in South Africa is going to be much more widespread than we anticipate because of this legislation.

Yesterday in my office, I had 12 people from Inkatha come to visit me and talk to me about these sanctions. To a man or woman, they were opposed to these sanctions. They represent 1.3 million black South Africans. They represent Chief Buthelezi, the Chief of the Zulu tribes, 6 million black South Africans. They said they do not want these sanctions.

So many of my colleagues have been misguided into believing that the previous sanctions that have been imposed by the administration have changed such things as the pass laws. Those people yesterday told me the pass laws were changed because of internal pressure from blacks coming to the cities in large numbers to such a degree that the South African Government could not cope and they changed the pass laws out of necessity. Not because of our sanctions. Our bludgeoning the South African Government is not going to change apartheid; what is going to change apartheid, according to INCATHA, is for us to help the economic plight of the blacks so that they can grow in strength and continue to put pressure internally upon that Government to bring about change. That is what they asked us to do.

□ 1010

What will these sanctions bring to the South African blacks? First of all, we are going to see in the coal mines 145,000 blacks lose their jobs. The Gray bill would have done that. But this bill, the bill coming out of the Senate, will cut agricultural exports, among other things, totaling 446,000 jobs. Each one of those people feeds five to six other South African blacks. That means 2.2 million South African blacks will be without sustenance. That does not include the other industries that are related to these industries that will be adversely affected.

In addition to that, the South African National Congress, the African National Congress, is going to be the beneficiary and we all know they are controlled by the Communists. Nineteen of the 30 members of the Executive Committee of the African National Congress are members of the South African Communist Party, and they want violent revolution. Joe Slovo, the head of their military wing, has talked consistently about a violent revolution and overthrow of that Government.

If we put these people out of work, if they cannot feed their kids, they are going to be ripe for that revolutionary rhetoric from the Communists and they are going to fall right into that trap and we are going to see a bloodletting like you will not believe. Not because of leaving them alone, but because of what we are doing.

My colleagues say if we do not do something there will be a revolution. I say to you these sanctions will cause a bloody revolution, and we do not want that to happen.

Let us just talk about how it is going to affect the United States of America. Nobody talks about that. The strategic minerals that are vital for the security of this country and our industrial health come from South Africa. Only 5 percent of their exports are strategic minerals. What makes anyone think they are going to sell us strategic minerals that are vital to our economic health and our defense if we embargo products that they want to sell to us in large quantities? Ninety-nine percent of the manganese that we use in steel production comes from South Africa. The only other place we can get it in quantity is from the Soviet Union.

Now the cost of steel is going to go up directly proportionate to the cost of manganese. Platinum, which is vital to this country, the catalytic converters, 80 percent of it for the free world comes from South Africa. We are going to cut that off.

Let us get back to the steel. The cost of automobiles is going to go up, the cost of farm implements is going to go up, the cost of constructing buildings is going to go up. Let us talk about agriculture. Two years ago South Africa bought 2.7 million metric tons of corn. They bought more wheat this year than the Soviet Union has and they are cash buyers.

My colleagues, we cannot afford to lose any more agricultural markets. So if you look at the bottom line, the bottom line is we are going to hurt the very people we want to help. We are going to play into the hands of the Communists. Strategic minerals that are vital to the security of this country we are going to have to deal with the Soviets to get if the African National Congress takes over South Africa, if the Communists have their way and they might very well succeed.

Finally, the farmers, and I have a lot of them in the Sixth Congressional District of Indiana, are going to be without another market. We cannot afford that. Now if you think that is not a big problem, go out and talk to them. If you think that is not a big problem to auto workers, the unfair competition from overseas and how this is going to translate into higher auto costs, go out and talk to them.

So you are not only hurting the black South Africans, you are hurting American industry and business and the farmers as well.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

(Mr. WEISS asked and was given permission to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, let us speak plainly. For its black majority, South Africa is a totalitarian state without a free press, without the rule of law. South Africans are prevented from assembling peaceably even to bury the victims of official murder.

The bill before us today is not all that I would have wished. It does not provide for full disinvestment as the bill I cosponsored, which was sponsored by our distinguished friend and colleague, Mr. DELLUMS from California, and adopted by this House on June 18 provided. Its impact on the South African Government will be only incremental. But it is, nonetheless, an important step in the right direction. It is a step in the direction to which the American people have been pushing us over the course of these past months and years.

In that context, let me address the issue of preemption. There has been reference to Republican Governors of California and of New Jersey whose States, among many other States and localities, have undertaken to prevent financial involvement with South Africa. The city of New York has a regulation which provides that any company desiring to bid for New York City business has to certify that it is not any company doing business with South Africa.

The Secretary of the U.S. Department of Transportation has ruled that because of that provision, the city of New York shall receive a reduced amount of Federal assistance from DOT. That is wrong. No city or State should be penalized for adhering to a higher moral standard than the Federal Government in regard to the evil of apartheid. The language in this resolution sets forth the clear congressional intent to allow the States and localities to decide whom they will do business with.

It has been made necessary to include such a sense of Congress because one important Member of the other body has seen fit to make a statement which would suggest otherwise. It is absolutely essential, for the record to be clear, that the right of the cities, localities, and the State governments of this country to make their own determination to stop doing business with South Africa is in no way intended to be preempted or superseded by this legislation.

These local initiatives are in the best tradition of local government in America. They do not undermine or interfere with the Federal Government's control over foreign policy. On the contrary they complement it.

Mr. Speaker, the time for decisive action on South Africa is now. In recent weeks we have seen the level of repression and official murder increase to unprecedented levels. The South African authorities have made it plain that they will not be moved by words of condemnation, or "quiet diplomacy," or "constructive engagement."

I urge the adoption of the bill before us today. We must send a strong signal which will be heard by the black majority in South Africa and by our European allies—and by those who cling to power in South Africa itself.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding me this time.

Mr. Speaker, I get the feeling that we have kind of a clever little game being played out here about the bill that we are bringing to the floor, and I just want to try to make a little legislative history here myself.

I intend to vote for the Senate amendments, but I intend to vote for them because they are in fact a balanced approach to this problem. A balanced, constitutional approach to the problems that we face in South Africa. A part of that balance is that Congress is saying flatly that we are making a determination of national foreign policy relating to South Africa. It is a unified policy that is not to be changed by States or localities or universities or whatever.

We are in fact saying that we are preempting the ability of others to set their own foreign policies. Now, when we put language in this particular rule that causes some of us who are going to vote for the Senate approach a little bit of a problem because what this is an attempt to do is to say something different than that which the bill is that they are bringing to the floor. I think it is extremely important for some of us who are going to vote for this bill to say flatly that it is our intention to vote for a bill that does in fact set a unified foreign policy and a unified policy with regard to the commerce of this Nation that is in line with article 1, section 8 of the Constitution. That is exactly what I think we intend to do out here. I want the legislative history to be clear.

What we are doing in this rule is simply a sense of the House. It has absolutely nothing to do with the statutory language which is in the Senate bill. The statutory language of the Senate bill makes absolutely clear that we are preempting the ability of others outside the national government to set foreign policy. Foreign policy should be in the hands of the Congress and it should stay there.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Speaker, I have in my hand the Senate bill. Can the gentleman point to a single paragraph, a single sentence or a single word in the Senate bill which explicitly preempts the right of State and local governments to take action on South Africa?

Mr. WALKER. Let me say to the gentleman I will go back to what the gentleman from Florida has told us here a few minutes ago.

□ 1020

The Constitution makes that clear. We do not have to put language in to do that. The Constitution makes clear that when we set policy and when we tell the States they must come into compliance with the Federal law, we are in fact acting under the Constitution. The gentleman from Florida is absolutely right there, and that is the language in the bill to which I refer.

Mr. GRAY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Speaker, let me say to my colleague, the gentleman from Pennsylvania, that I just want to understand what he is saying. I think I do. I might disagree, but I just want to make sure I understand.

The gentleman is telling us he is for legislation——

The SPEAKER pro tempore (Mr. DANIEL). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise also today to discuss the legislative history and to support the rule as well as the bill, H.R. 4868, as amended.

While the language of this bill will not be nearly as strong as the language that I would like to see nor as strong as the language that this body sent over to the other body, it does remain a powerful policy statement on one of the most important moral issues of our times—apartheid, the ability of an individual to exercise his or her fundamental human rights, the right to vote, the right to live where they choose, and the right to be treated as a full citizen in the land of their birth.

The overwhelming bipartisan support in Congress for sanctions reflects our legitimate concern over South Africa and our frustration with the appalling administration inaction on this issue.

But there is a very important point that has been discussed in the context of this debate and in the context of this rule that I would like to emphasize in the remainder of my remarks. Many State and local governments have taken the lead on South African sanctions. In fact, they have been instrumental in creating the momentum for action at the Federal level when the Federal Government lagged behind some of the leadership on the State and local levels.

My own State of California, for example, recently passed a landmark law mandating the divestiture of stock in companies operating in South Africa.

This rule that we are voting on today includes language protecting such laws. We include important language protecting such laws by clearly indicating that it was not the intent of Congress in passing legislation to preempt State and local actions on South Africa. That language in this rule is critical if we are to ensure that States have the right to determine their own investment policies.

Mr. Speaker, I urge my colleagues to support the rule and the bill, as amended, and specifically to understand the legislative history contained in this rule, that we oppose preemption and that we are protecting State and local laws.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH], a member of the committee.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, just as the Bible and the Constitution or any other legislation passed by this House, this legislation is open to interpretation. Today the House is agreeing to the South African sanctions bill adopted by the other body. In so doing, we adopt the intent and legislative history of its authors.

This bill was debated for 3 days on the floor of the other body and the authors who penned various provisions in the bill made clear their intent.

As ranking member of the International Economic Policy and Trade Subcommittee which has jurisdiction for trade sanctions, I would like to add to the record a reiteration of congressional intent with respect to the provisions of new loans and investments:

PROHIBITIONS ON NEW LOANS TO, AND NEW INVESTMENTS IN, SOUTH AFRICAN ENTITIES

H.R. 4868, passed by the Senate on August 15, 1986, prohibits U.S. persons from extending new financing to public and private sector South African entities whether in the form of loans, purchase of stock, bonds, or assets. The specific exceptions to these broad prohibitions, discussed here and established by the bill, represent a reasoned decision in each case that U.S. nationals, rather than South Africans, would suffer unjustified financial harm absent the exceptions.

1. PREEXISTING AND RESTRUCTURED LOANS

A. Description of restructured debt

In August 1985, South Africa declared a moratorium on payment of short-term debt owed by South African residents to foreign creditors. South African debt outstanding and subject to the moratorium totalled approximately $14 billion. The reason for the suspension of payments was that South Africa lacked the aggregate foreign exchange for South African private and public sector debtors to meet all payments owed in foreign exchange when due.

Such a unilateral suspension of payments clearly was untenable from the viewpoint of the creditors, who immediately began pressing the South African authorities to resume repayments on an orderly schedule at the earliest possible date, and made clear that no new foreign exchange would be provided. The result of these efforts was as follows:

South Africa provided to its public and private sector debtors a repayment of 5 percent of the principal amounts covered by the moratorium and maturing, beginning April 15, 1986.

South Africa committed to provide foreign exchange to South African debtors so they could continue to make interest payments on the debt. Moreover, South Africa agreed that interest could be charged and paid at up to a 1 percent spread over the rates then in place, reflecting increasing risk on the credits.

South Africa agreed that the remainder of outstanding principal would be paid June 30, 1987.

South Africa further provided that: (1) the foregoing commitments would apply even where a creditor chose to substitute one private sector borrower for another on outstanding debt (for example, a creditor could substitute a more creditworthy borrower); and (2) the South African government (through the Public Investment Commissioners [PIC]) would assume a private sector debt directly if the creditor so chose (for example, during such time as a substitution of one private debtor for another is being arranged).

B. Need for statutory exception

H.R. 4868 allows restructured loans, under the foregoing arrangements, to remain outstanding, and, if appropriate, for further restructurings to be arranged that are aimed at achieving full repayment to foreign creditors. Failure to make these exceptions to the prohibitions on loans to the private and public sector in South Africa, would grant a windfall financial benefit to South Africa, since South Africa could refuse to make the repayments.

As no South Africa loan presently is in default, U.S. creditors at this time would have no legal basis on which to demand payment—by litigation or otherwise—on the loans: rather, the effect would be outright debt forgiveness to South Africa.

Moreover, even if there were some legal basis for suit now, or in the future, the expenses of international litigation and the limited amount of South African assets located outside South Africa on which a recovery might be sought (relative to the aggregate outstanding debt) indicate that U.S. creditors would suffer extensive losses from which South Africa directly would gain.

Accordingly, the exceptions to the prohibition on loans to South African residents created for rescheduled loans (including the substitution of debtors on outstanding loans) avoids unjustified financial losses to

creditor institutions, and has a corresponding financial cost to South Africa.

2. SUSTAINING FINANCIAL VIABILITY OF U.S. CORPORATIONS REMAINING IN SOUTH AFRICA

H.R. 4868 prohibits new investments in South African companies but makes an exception for certain financial transactions by, and with respect to, the South African business operations of U.S. companies. H.R. 4868 does not, directly or indirectly, require any U.S. company to divest its South African business interests (either through the prohibition on new investments or loans to South African entities). To do so could lead to extraordinary losses to the U.S. companies, the assumption of those businesses by others, and thus the absence from South Africa of a continuing important force for social change.

However, H.R. 4868 does limit investments by U.S. companies in their South African offices, branches, or subsidiaries solely to: reinvestment of profits [1] and investment necessary to maintain continuing operations. Thus, U.S. companies can continue to conduct their businesses in South Africa at the current level of operations. This includes U.S. financial institutions which, consistent with the ban on new loans to South African companies, may reemploy their local currency assets through, for example, local currency loans to private sector companies. Indeed, absent such authority, the financial institution would soon be in liquidation and the bill effectively would result in divestment. Again, liquidation of local assets could lead to unjustifiable losses to U.S. companies.

Thus H.R. 4868 has permitted U.S. corporations to remain in operation in South Africa, although under clear constraints on the permissible growth of those businesses. To do otherwise would cause unjustified financial harm to U.S. companies while removing an important force for change in South Africa.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. SILJANDER], the ranking member of the Subcommittee on Africa.

Mr. SILJANDER. Mr. Speaker, I have just a couple of quick points to make on this issue that we have discussed over and over and over again here in the Congress. This procedure is a little bit peculiar, if nothing else. We have not been in session at 9 o'clock in the morning since I can remember, let alone on a Friday and let alone on a Friday when the night previously we were in session until nearly midnight.

It is pretty clear that there is a ramrod approach to get the sanctions bill through in enough time so we can override the President's veto. Manipulation is nothing new on the floor of the Congress. Manipulation relative to this issue is nothing new. Unfortunately, many in this Congress insist on ramrodding this issue that has tremendous implications not only for the blacks in South Africa but indeed for all of America and the Western World.

Let it be stated very clearly that this approach, the Senate approach, while some may call it a balanced approach and some may call it a moderate approach, is a very tough approach indeed. It is far more tough than the Gray approach, in my opinion, that was debated on this floor not too many months ago.

If a black woman who makes rugs in South Africa were in any way whatsoever subsidized by the South African Government, she could not export those rugs to the United States. Those involved in handicrafts and in so many black entrepreneurships who are subsidized in one way or another by the Government of South Africa could not under this bill export their products to the United States. Under this bill, if the business of a black entrepreneur in South Africa, by any remote stretch of the imagination, were subsidized by the government in any indirect fashion, he could not export his goods to America.

Under this bill intelligence cooperation would be cut off. We could certainly go on for many, many hours with what I perceive to be the problems with this bill. But I would ask two simple questions of those who are promoting this approach of sanctions. I would ask just two questions, and if those questions could be responded to in a reasonable fashion, I would vote with them without question.

The first question I would ask is this: How specifically will sanctions stop the killing in South Africa? After all, that has been an initial presentation of the speeches—the deaths in South Africa and the racial apartheid in that country. How specifically will sanctions deal with those two issues?

The second question is this: If blacks in South Africa were so overwhelmingly supportive of sanctions against South Africa, then why do not the blacks themselves go on a general strike for 2 weeks? They are legally involved in labor unions in South Africa, and the blacks could easily within 2 weeks, as I said, stymie the entire economy of South Africa. They could do more in 2 weeks than would be required by years of sanctions by the entire trading West against the Government of South Africa. There could be an entire economic stymie in 2 weeks.

Why, then, if the blacks are so supportive of sanctions in South Africa, as you contend, why do not the blacks just walk off their jobs themselves? We have not heard a response because frankly there is not one.

By destroying the very wheels that turn the economy, we will remove the very force the blacks themselves are using to forge change in South Africa.

Let me ask one other question before I close. What if sanctions do not work? What if the sanctions that we propose in this bill will not encourage or create change in the apartheid system in South Africa? What then? Where would the United States be in terms of our ability to negotiate, to use pressure to encourage change? We will have yielded that away completely.

So in all compassion, I would just ask those who are supporting this approach to answer those two basic questions. And may I close by repeating those questions. How specifically, not with emotionalism but with practical reality, will sanctions stop the apartheid in South Africa and stop the killing? And, No. 2, why do blacks themselves not engage in an internal economic stymie of their own country, which could easily be done in only a few weeks?

So, Mr. Speaker, I would encourage the membership of the Congress to look again at those two very important and very crucial questions.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I am happy to yield to the gentleman from Texas.

Mr. FIELDS. Mr. Speaker, I do not doubt the intentions of any of my colleagues here today. What rational person could support a system of apartheid which relegates an individual to an inferior status simply because he or she has black skin. I cannot and do not.

But, the vote to accept the Senate amendments to H.R. 4868 is not a referendum on apartheid. I strongly support the peaceful abolition of apartheid. South Africa is moving toward a more fair society, albeit slower than I would like. But, change does not occur overnight. I am afraid that H.R. 4868 will not foster peaceful change but will move South Africa one step closer to bloody revolution.

Economic sanctions will harm South Africans, black and white alike. But, black South Africans will suffer the most from sanctions. American firms, like IBM, have led the way in improving the plight of black South Africans. If American firms are hampered by this legislation, their efforts to improve the plight of black South Africans will be hampered too. If sanctions lead to fewer jobs from United States-based companies operating in South Africa, blacks will lose the most. If the South African standard of living is lowered as a result of sanctions, black South Africans will be most severely harmed.

Most black South African leaders understand the consequences of disinvestment. Chief Buthelezi, leader of the Zulu Tribe, has said: "It is morally imperative that American firms remain active here. * * * My people want and need you here. * * *" Mrs. Lucy Mvubelo, general-secretary of the National Union of Clothing Workers, South Africa's largest union had said of United States withdrawal from South Africa: "It will be seen as a surrender to the revolutionary philosophies of the East and a lack of faith in the very democratic capitalistic system which you represent. Remaining in South Africa and increasing your stake will be a boost to the evolutionary proc-

[1] Indeed, as profits largely cannot be remitted, inability to reinvest the profits would serve only to benefit South Africa.

ess which is now taking place. It will be encouragement that the freedom which is so cherished by Americans can also be ours."

And, finally, I would like to quote a well-known South African journalist, Mr. Percy Quoboza. Mr. Quoboza forcefully drives home the truth about economic sanctions: "If you want a complete transformation of this society, the easiest thing to do is get everybody packing up their bags, taking their money out of the country and resisting all forms of investment in the country. But, of course, the moment you do that you create economic chaos. And that is a sure guarantee for full-scale, bloody confrontation, which would unleash a bloodbath such as we have never seen. * * * So, when people talk glibly about disinvestment, I think they ought to realize what they are saying—from 8,000 miles away and the security of distance—'Let the blood flow, and maybe then we'll have a just society.'"

Let's not "pack our bags" and relegate South Africa to violent bloodshed. In the final analysis, your good intentions in voting for sanctions won't count; the tragic results these sanctions may bring will.

Mr. SILJANDER. Mr. Speaker, I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GRAY].

□ 1030

Mr. GRAY of Pennsylvania. Mr. Speaker, the issue before us now is whether or not we will adopt a rule that will allow consideration of a sanctions bill written by the Republican leadership of the Senate, passed by the Senate over 1 month ago, 84 to 14, bipartisanly, that has been published, that has been available for anybody who wanted to do their homework and read it, and particularly for those who are on the Foreign Affairs Committee.

It seems ridiculous now to argue that we cannot take a vote because we have not done our homework or we do not have a copy or we do not know how to read the language.

Second, it seems to me the argument about constitutionality is absolutely a ludicrous and absurd one, for clearly anyone who reads this language, as the distinguished gentleman from Florida, the chairman of the Foreign Affairs Committee has pointed out, there is no change of the Constitution. There is a statement of intent.

The gentleman from Pennsylvania [Mr. WALKER] is absolutely right when he described what the issue was with regard to intent, and that is whether or not by passage of this bill are we preempting States and local governments from taking certain actions within their jurisdictions? Clearly, the answer to that is one which is in doubt, because, first, the Senate bill mentions nothing about preemption; so therefore, by voting for this rule, you are saying that you are allowing States to do as they please.

I am sure the gentleman from Pennsylvania [Mr. WALKER] would agree with me that the Lieutenant Governor, Mr. Scranton, who just recently said he would not like to invest pension funds in companies in South Africa, and the State senate and the State house in Pennsylvania, he would not want to deny them the right to determine how to make their investments. That is essentially what the issues is with regard to the Constitution.

Thus, when you vote for this rule, all you will be saying is that I want to allow Pennsylvania, I want to allow California, I want to allow Virginia, I want to allow Maryland to determine what to do with their pension funds.

So the issue is clear. Let us not cloud it up with any gamesmanship about, "I can't read, I need a copy, or there is a constitutional question."

Let us push the Senate bill and give it to the President and make a statement and light a candle for those oppressed.

Mr. RANGEL. Mr. Speaker, I rise in strong support of H.R. 4868, the Anti-Apartheid Act of 1986. I would especially like to extend my support for the provision in the rule which expressly states that local antiapartheid initiatives will not be preempted by this act.

Local commercial and economic restrictions on companies which do business in South Africa are the prerogative of State and municipal governments. At least 25 localities across the country have enacted laws which restrict businesses from engaging in financial relationships with South Africa. These laws reflect the will of the people in those localities that the United States should not do business with South Africa.

I would suggest, Mr. Speaker, that it is the duty of the Members of this body to submit to the will of our constituents who have chosen to enact local antiapartheid laws. We cannot, and should not, ignore the sentiment of the American people by unilaterally declaring their will to be somehow misguided or misinformed. Our constituents know what they want, Mr. Speaker, and it is evident that they want us out of South Africa.

We must send a signal to South Africa that we are absolutely committed to ending our economic and commercial relationship with apartheid. This commitment requires the participation of our society at every level. The Federal Government should work in tandem with State and local governments, and the business community must respond to the concerns of consumers and the academic community.

Spiritual leaders, elected officials, the legal community, and our financial institutions must join the growing moral consensus that is reflected in the antiapartheid initiatives of local governments. The bottom line is that the people have spoken, and we must answer them.

Let us defeat any attempt to preempt local antiapartheid laws. Let the people have their say.

Mr. BIAGGI. Mr. Speaker, I rise to lend my strong support to the rule and the bill, H.R. 4868, the Anti-Apartheid Act of 1986. This rule and the legislation are critical and must be passed at this time to provide sufficient time for another vote should the President exercise his option to veto the bill.

It is critical that Congress complete action on this legislation and express its substantive opposition to the repugnant policy of apartheid in South Africa. The distinguished aspect of the rule is that, upon its adoption, the House will agree to an important provision which says that nothing contained in H.R. 4868 shall be deemed to, in any way, limit, preempt, or affect actions taken by State or local governments regarding financial or commercial dealing with South Africa.

That is the proper position for the Congress to take. The fact is that a number of local jurisdictions, including and especially my home city of New York, have passed their own laws calling for the divestment of pension funds invested in companies doing business in South Africa. That is responsible action and it must be encouraged to continue.

If the United States is going to make an impact in putting an end to apartheid in South Africa, it must do more than merely express moral indignation. It must exercise economic muscle to extract change. This cannot be done unless all levels of government are allowed to participate. Therefore, I urge support of the rule.

Mr. DIXON. Mr. Speaker, I rise in strong support of the rule. The clarifying language that the rule includes is critical to establishing legislative history on this issue.

It is not the intent of this bill to preempt or affect in any fashion the authority of any State or local government to restrict or otherwise regulate any financial or commercial activity with respect to South Africa.

About 20 States and 80 cities have taken the lead in passing divestiture laws, including my State—the State of California. We are not here to preempt State and municipal laws on divestiture or contracts, nor are we giving them the right to dictate foreign policy. We should not preempt the rights of States like the State of California to determine where to invest $13 billion of their pension or public funds. It is not the jurisdictional purpose of this bill to intrude or intervene in the internal affairs or a State or local government.

Mr. Speaker, there is a deepening crisis in South Africa and it is time to respond to the unambiguous appeals of thousands of South Africa's black majority who are pleading for us to take a stronger stand. It is time to take a stand and answer the calls of thousands of Americans who urge emphatically for sanctions against South Africa.

I believe H.R. 4868 may not go far enough, but it is a beginning and a new direction in our foreign policy in South Africa. More importantly, it is time we demonstrated our commitment to the principles of freedom and democracy not only in South Africa, but throughout the world.

The Senate bill is silent on th question of the preemption issue, but I strongly believe our rule clarifies this issue and establishes legislative history. I encourage my colleagues to support this rule.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, just to make it very clear what the rule actually does in its second section on preemption, it is not the intent of the committee, it is not the intent of this body, to pass any legislation which grants any new constitutional authority. It is merely our intent to make it clear that this legislation does not impact upon authority that States and local governments already have. If the State of California has the right to pass legislation affecting their own funds in regard to the situation in South Africa, then they continue to have that authority. If the State of Pennsylvania has the authority, then they continue to have that authority.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WHEAT. No; I will not yield at this time.

If the University of Mississippi system has that authority, then they will continue to have that authority, and this legislation has no impact upon the legal or constitutional authority of any State or local municipality.

The gentleman has asked some very good questions about what will happen in South Africa, and admittedly this bill cannot guarantee peace in South Africa. This bill does not guarantee an end to apartheid in South Africa, but it does guarantee one thing, that the rest to the world, especially those suffering in South Africa, will know that this Congress witnessed the evil and would not turn away.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

Mr. SPEAKER pro tempore (Mr. DANIEL). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 292, nays 92, not voting 47, as follows:

[Roll No. 380]

YEAS—292

Akaka	Barnard	Biaggi
Alexander	Barnes	Bliley
Anderson	Bates	Boehlert
Andrews	Bedell	Boggs
Annunzio	Beilenson	Boland
Anthony	Bennett	Bonior (MI)
Applegate	Bereuter	Bonker
Aspin	Berman	Borski
AuCoin	Bevill	Bosco
Brown (CO)	Hubbard	Pursell
Bruce	Hughes	Rahall
Bryant	Hutto	Rangel
Bustamante	Ireland	Ray
Byron	Jacobs	Regula
Carper	Jeffords	Reid
Carr	Jenkins	Richardson
Chandler	Jones (NC)	Rinaldo
Chappell	Jones (TN)	Roberts
Clay	Kanjorski	Robinson
Clinger	Kaptur	Rodino
Coats	Kasich	Roe
Collins	Kastenmeier	Roemer
Conte	Kemp	Rose
Conyers	Kennelly	Rostenkowski
Cooper	Kildee	Roth
Coughlin	Kindness	Roukema
Courter	Kleczka	Rowland (CT)
Coyne	Kolbe	Rowland (GA)
Daniel	Kolter	Roybal
Darden	Kostmayer	Russo
Daschle	LaFalce	Sabo
Davis	Lantos	Savage
de la Garza	Latta	Saxton
Dellums	Leach (IA)	Scheuer
Derrick	Leath (TX)	Schneider
Dicks	Lehman (CA)	Schuette
Dingell	Lehman (FL)	Schulze
DioGuardi	Leland	Schumer
Dixon	Lent	Seiberling
Donnelly	Levin (MI)	Sensenbrenner
Dorgan (ND)	Levine (CA)	Sharp
Dowdy	Lewis (CA)	Shelby
Downey	Lipinski	Sikorski
Duncan	Lloyd	Sisisky
Durbin	Long	Skelton
Dwyer	Lowry (WA)	Slattery
Dymally	Lujan	Smith (FL)
Dyson	Luken	Smith (IA)
Early	Lungren	Smith (NE)
Eckart (OH)	MacKay	Smith (NJ)
Edgar	Manton	Snowe
Edwards (CA)	Martin (IL)	Solarz
English	Martin (NY)	Spratt
Erdreich	Martinez	Staggers
Evans (IA)	Matsui	Stallings
Evans (IL)	Mavroules	Stangeland
Fascell	Mazzoli	Stark
Fazio	McCain	Stokes
Feighan	McCloskey	Studds
Fish	McCollum	Swift
Flippo	McCurdy	Tallon
Florio	McEwen	Tauke
Foglietta	McGrath	Tauzin
Foley	McHugh	Thomas (GA)
Ford (TN)	McKernan	Torres
Fowler	McMillan	Torricelli
Frank	Meyers	Traficant
Franklin	Mica	Traxler
Frenzel	Mikulski	Udall
Fuqua	Miller (CA)	Valentine
Gallo	Miller (WA)	Vento
Garcia	Mineta	Visclosky
Gaydos	Mitchell	Volkmer
Gejdenson	Moakley	Waldon
Gibbons	Mollohan	Walgren
Glickman	Montgomery	Watkins
Gonzalez	Moody	Weaver
Gordon	Morrison (CT)	Weber
Gradison	Morrison (WA)	Weiss
Gray (IL)	Mrazek	Wheat
Gray (PA)	Murphy	Whitley
Green	Murtha	Whittaker
Gregg	Natcher	Whitten
Guarini	Neal	Wilson
Gunderson	Nelson	Wirth
Hall (OH)	Nichols	Wise
Hamilton	Nowak	Wolpe
Hatcher	Oakar	Wortley
Hawkins	Oberstar	Wright
Hayes	Obey	Wyden
Hefner	Olin	Wylie
Henry	Ortiz	Yates
Hertel	Panetta	Yatron
Hillis	Pease	Young (FL)
Hopkins	Penny	Young (MO)
Horton	Perkins	Zschau
Howard	Pickle	
Hoyer	Price	

NAYS—92

Archer	Barton	Boulter
Armey	Bateman	Broomfield
Badham	Bentley	Burton (IN)
Bartlett	Bilirakis	Callahan
Cheney	Hyde	Rogers
Coble	Johnson	Schaefer
Coleman (MO)	Kramer	Shaw
Combest	Lagomarsino	Shumway
Craig	Lewis (FL)	Shuster
Crane	Lightfoot	Siljander
Dannemeyer	Lott	Skeen
Daub	Lowery (CA)	Slaughter
DeLay	Mack	Smith, Denny (OR)
DeWine	Madigan	Smith, Robert (NH)
Dickinson	Marlenee	Smith, Robert (OR)
Dornan (CA)	McCandless	Solomon
Dreier	Michel	Spence
Eckert (NY)	Miller (OH)	Stenholm
Edwards (OK)	Molinari	Strang
Emerson	Monson	Stump
Fawell	Moorhead	Sundquist
Fiedler	Myers	Sweeney
Fields	Nielson	Swindall
Gekas	Oxley	Taylor
Gingrich	Packard	Vander Jagt
Hall, Ralph	Parris	Vucanovich
Hammerschmidt	Pashayan	Walker
Hansen	Petri	Wolf
Hendon	Porter	
Hiler	Quillen	
Holt	Ridge	
Hunter	Ritter	

NOT VOTING—47

Ackerman	Crockett	Moore
Atkins	Ford (MI)	Owens
Boner (TN)	Frost	Pepper
Boucher	Gephardt	Rudd
Boxer	Gilman	Schroeder
Breaux	Goodling	Snyder
Brooks	Grotberg	St Germain
Brown (CA)	Hartnett	Stratton
Burton (CA)	Huckaby	Synar
Campbell	Jones (OK)	Thomas (CA)
Carney	Livingston	Towns
Chapman	Loeffler	Waxman
Chappie	Lundine	Whitehurst
Cobey	Markey	Williams
Coelho	McDade	Young (AK)
Coleman (TX)	McKinney	

[Roll No. 380]

□ 1045

Messrs. DICKINSON, GINGRICH, PACKARD, and RALPH M. HALL changed their votes from "yea" to "nay."

Mr. FRENZEL changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1055

GENERAL LEAVE

Mr. WHEAT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just adopted.

The SPEAKER pro tempore. (Mr. DANIEL). Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERSONAL EXPLANATION

Mr. ECKERT of New York. Mr. Speaker, I was surprised to learn this morning that the RECORD lists me as not voting on final passage of the Omnibus Drug Act of 1986 last evening. That is not accurate. It must be a mechanical mishap.

I was present in the Chamber, cast a vote in the affirmative and voted not only on final passage but on all bills yesterday. I would like the RECORD to reflect my statement, and I ask unanimous consent that these remarks be recorded in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. HORTON. Mr. Speaker, last night during final passage of the omnibus drug bill of 1986, I was standing next to the gentleman from New York, Mr. FRED ECKERT, when the vote was taken. I saw the gentleman take his voting card out and cast his vote on final passage.

I know from my personal conversation during the vote that he had voted "yes."

I learned this morning that the RECORD showed that he had not voted. That is not accurate; he was present; he did vote; I was a witness to that.

Mr. Speaker, I ask unanimous consent that my remarks be recorded in the permanent RECORD immediately following the vote on the Omnibus Drug Act of 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT AND SUBCOMMITTEE ON MERCHANT MARINE OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT ON WEDNESDAY, SEPTEMBER 17, 1986, DURING THE 5-MINUTE RULE

Mr. BOSCO. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries' Subcommittee on Fisheries and Wildlife Conservation and the Environment, in conjunction with the Subcommitte on Merchant Marine, and by itself, have permission to sit during the consideration of legislation under the 5-minute rule on Wednesday, September 17, 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANTI-APARTHEID ACT OF 1986

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 548, I move to take from the Speaker's table the bill (H.R. 4868) to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 548, the Senate amendment is considered as having been read.

The text of the Senate amendment is as follows:

Strike out all after the enacting clause and insert:

SHORT TITLE

Section 1. This Act may be cited as the "Comprehensive Anti-Apartheid Act of 1986".

TABLE OF CONTENTS

Sec. 2. The table of contents of this Act is as follows:

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Code of Conduct" refers to the principles set forth in section 208(a);

(2) the term "controlled South African entity" means—

(A) a corporation, partnership, or other business association or entity organized in South Africa and owned or controlled, directly or indirectly, by a national of the United States; or

(B) a branch, office, agency, or sole proprietorship in South Africa of a national of the United States;

(3) the term "loan"—

(A) means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit, including—

(i) overdrafts,

(ii) currency swaps,

(iii) the purchase of debt or equity securities issued by the Government of South Africa or a South African entity on or after the date of enactment of this Act,

(iv) the purchase of a loan made by another person,

(v) the sale of financial assets subject to an agreement to repurchase, and

(vi) a renewal or refinancing whereby funds or credits are transferred or extended to the Government of South Africa or a South African entity, and

(B) does not include—

(i) normal short-term trade financing, as by letters of credit or similar trade credits;

(ii) sales on open account in cases where such sales are normal business practice; or

(iii) rescheduling of existing loans, if no new funds or credits are thereby extended to a South African entity or the Government of South Africa;

(4) the term "new investment"—

(A) means—

(i) a commitment or contribution of funds or other assets, and

(ii) a loan or other extension of credit, and

(B) does not include—

(i) the reinvestment of profits generated by a controlled South African entity into that same controlled South African entity or the investment of such profits in a South African entity;

(ii) contributions of money or other assets where such contributions are necessary to enable a controlled South African entity to operate in an economically sound manner, without expanding its operations; or

(iii) the ownership or control of a share or interest in a South African entity or a controlled South African entity or a debt or equity security issued by the Government of South Africa or a South African entity before the date of enactment of this Act, or the transfer or acquisition of such a share, interest, or debt or equity security, if any such transfer or acquisition does not result in a payment, contribution of funds or assets, or credit to a South African entity, a controlled South African entity, or the Government of South Africa;

(5) the term "national of the United States" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States or is an alien lawfully admitted for permanent residence in the United States, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); or

(B) a corporation, partnership, or other business association which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia;

(6) the term "South Africa" includes—

(A) the Republic of South Africa;

(B) any territory under the Administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana Ciskei, and Venda; and

(7) the term "South African entity" means—

(A) a corporation, partnership, or other business association or entity organized in South Africa; or

(B) a branch, office, agency, or sole proprietorship in South Africa of a person that resides or is organized outside South Africa; and

(8) the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

PURPOSE

SEC. 4. The purpose of this Act is to set forth a comprehensive and complete framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa and lead to the establishment of a nonracial, democratic form of government. This Act sets out United States policy toward the Government of South Africa, the victims of apartheid, and the other states in southern Africa. It also provides the President with additional authority to work with the other industrial democracies to help end apartheid and establish democracy in South Africa.

TITLE I—POLICY OF THE UNITED STATES WITH RESPECT TO ENDING APARTHEID

POLICY TOWARD THE GOVERNMENT OF SOUTH AFRICA

SEC. 101. (a) United States policy toward the Government of South Africa shall be designed to bring about reforms in that system of government that will lead to the establishment of a nonracial democracy.

(b) The United States will work toward this goal by encouraging the Government of South Africa to—

(1) repeal the present state of emergency and respect the principle of equal justice under law for citizens of all races;

(2) release Nelson Mandela, Govan Mbeki, Walter Sisulu, black trade union leaders, and all political prisoners;

(3) permit the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) establish a timetable for the elimination of apartheid laws;

(5) negotiate with representatives of all racial groups in South Africa the future political system in South Africa; and

(6) end military and paramilitary activities aimed at neighboring states.

(c) The United States will encourage the actions set forth in subsection (b) through economic, political, and diplomatic measures as set forth in this Act. The United States will adjust its actions toward the Government of South Africa to reflect the progress or lack of progress made by the Government of South Africa in meeting the goal set forth in subsection (a).

POLICY TOWARD THE AFRICAN NATIONAL CONGRESS, ETC.

SEC. 102. (a) United States policy toward the African National Congress, the Pan African Congress, and their affiliates shall be designed to bring about a suspension of violence that will lead to the start of negotiations designed to bring about a nonracial and genuine democracy in South Africa.

(b) The United States shall work toward this goal by encouraging the African National Congress and the Pan African Congress, and their affiliates, to—

(1) suspend terrorist activities so that negotiations with the Government of South Africa and other groups representing black South Africans will be possible;

(2) make known their commitment to a free and democratic post-apartheid South Africa;

(3) agree to enter into negotiations with the South African Government and other groups representing black South Africans for the peaceful solution of the problems of South Africa;

(4) reexamine their ties to the South African Communist Party.

(c) The United States will encourage the actions set forth in subsection (b) through political and diplomatic measures. The United States will adjust its actions toward the Government of South Africa not only to reflect progress or lack of progress made by the Government of South Africa in meeting the goal set forth in subsection 101(a) but also to reflect progress or lack of progress made by the ANC and other organizations in meeting the goal set forth in subsection (a) of this section.

POLICY TOWARD THE VICTIMS OF APARTHEID

SEC. 103. (a) The United States policy toward the victims of apartheid is to use economic, political, diplomatic, and other effective means to achieve the removal of the root cause of their victimization, which is the apartheid system. In anticipation of the removal of the system of apartheid and as a further means of challenging that system, it is the policy of the United States to assist these victims of apartheid as individuals and through organizations to overcome the handicaps imposed on them by the system of apartheid and to help prepare them for their rightful roles as full participants in the political, social, economic, and intellectual life of their country in the post-apartheid South Africa envisioned by this Act.

(b) The United States will work toward the purposes of subsection (a) by—

(1) providing assistance to South African victims of apartheid without discrimination by race, color, sex, religious belief, or political orientation, to take advantage of educational opportunities in South Africa and in the United States to prepare for leadership positions in a post-apartheid South Africa;

(2) assisting victims of apartheid;

(3) aiding individuals or groups in South Africa whose goals are to aid victims of apartheid or foster nonviolent legal or political challenges to the apartheid laws;

(4) furnishing direct financial assistance to those whose nonviolent activities had led to their arrest or detention by the South African authorities and (B) to the families of those killed by terrorist acts such as "necklacings";

(5) intervening at the highest political levels in South Africa to express the strong

desire of the United States to see the development in South Africa of a nonracial democratic society;

(6) supporting the rights of the victims of apartheid through political, economic, or other sanctions in the event the Government of South Africa fails to make progress toward the removal of the apartheid laws and the establishment of such democracy; and

(7) supporting the rights of all Africans to be free of terrorist attacks by setting a time limit after which the United States will pursue diplomatic and political measures against those promoting terrorism and against those countries harboring such groups so as to achieve the objectives of this Act.

POLICY TOWARD OTHER COUNTRIES IN SOUTHERN AFRICA

SEC. 104. (a) The United States policy toward the other countries in the Southern African region shall be designed to encourage democratic forms of government, full respect for human rights, an end to cross-border terrorism, political independence, and economic development.

(b) The United States will work toward the purposes of subsection (a) by—

(1) helping to secure the independence of Namibia and the establishment of Namibia as a nonracial democracy in accordance with appropriate United Nations Security Council resolutions;

(2) supporting the removal of all foreign military forces from the region;

(3) encouraging the nations of the region to settle differences through peaceful means;

(4) promoting economic development through bilateral and multilateral economic assistance targeted at increasing opportunities in the productive sectors of national economies, with a particular emphasis on increasing opportunities for nongovernmental economic activities;

(5) encouraging, and when necessary, strongly demanding, that all countries of the region respect the human rights of their citizens and noncitizens residing in the country, and especially the release of persons persecuted for their political beliefs or detained without trial;

(6) encouraging, and when necessary, strongly demanding that all countries of the region take effective action to end cross-border terrorism; and

(7) providing appropriate assistance, within the limitations of American responsibilities at home and in other regions, to assist regional economic cooperation and the development of interregional transportation and other capital facilities necessary for economic growth.

POLICY TOWARD "FRONTLINE" STATES

SEC. 105. It is the sense of the Congress that the President should discuss with the governments of the African "frontline" states the effects on them of disruptions in transportation or other economic links through South Africa and of means of reducing those effects.

POLICY TOWARD A NEGOTIATED SETTLEMENT

SEC. 106. (a)(1) United States policy will seek to promote negotiations among representatives of all citizens of South Africa to determine a future political system that would permit all citizens to be full participants in the governance of their country. The United States recognizes that important and legitimate political parties in South Africa include several organizations that have been banned and will work for the unbanning of such organizations in order to permit legitimate political viewpoints to be represented at such negotiations. The United States also recognizes that some of the organizations fighting apartheid have become infiltrated by Communists and that Communists serve on the governing boards of such organizations.

(2) To this end, it is the sense of the Congress that the President, the Secretary of State, or other appropriate high-level United States officials should meet with the leaders of opposition organizations of South Africa, particularly but not limited to those organizations representing the black majority. Furthermore, the President, in concert with the major allies of the United States and other interested parties, should seek to bring together opposition political leaders with leaders of the Government of South Africa for the purpose of negotiations to achieve a transition to the postapartheid democracy envisioned in this Act.

(b) The United States will encourage the Government of South Africa and all participants to the negotiations to respect the right of all South Africans to form political parties, express political opinions, and otherwise participate in the political process without fear of retribution by either governmental or nongovernmental organizations. It is the sense of the Congress that a suspension of violence is an essential precondition for the holding of negotiations. The United States calls upon all parties to the conflict to agree to a suspension of violence.

(c) The United States will work toward the achievement of agreement to suspend violence and begin negotiations through coordinated actions with the major Western allies and with the governments of the countries in the region.

(d) It is the sense of the Congress that the achievement of an agreement for negotiations could be promoted if the United States and its major allies, such as Great Britain, Canada, France, Italy, Japan, and West Germany, would hold a meeting to develop a four-point plan to discuss with the Government of South Africa a proposal for stages of multilateral assistance to South Africa in return for the Government of South Africa implementing—

(1) an end to the state of emergency and the release of the political prisoners, including Nelson Mandela;

(2) the unbanning of the African National Congress, the Pan African Congress, the Black Consciousness Movement, and all other groups willing to suspend terrorism and to participate in negotiations and a democratic process;

(3) a revocation of the Group Areas Act and the Population Registration Act and the granting of universal citizenship to all South Africans, including homeland residents; and

(4) the use of the international offices of a third party as an intermediary to bring about negotiations with the object of the establishment of power-sharing with the black majority.

POLICY TOWARD INTERNATIONAL COOPERATION ON MEASURES TO END APARTHEID

SEC. 107. (a) The Congress finds that—

(1) international cooperation is a prerequisite to an effective anti-apartheid policy and to the suspension of terrorism in South Africa; and

(2) the situation in South Africa constitutes an emergency in international relations and that action is necessary for the protection of the essential security interests of the United States.

(b) Accordingly, the Congress urges the President to seek such cooperation among all individuals, groups, and nations.

POLICY TOWARD NECKLACING

SEC. 108. It is the sense of the Congress that the African National Congress should strongly condemn and take effective actions against the execution by fire, commonly known as "necklacing", of any person in any country.

UNITED STATES AMBASSADOR TO MEET WITH NELSON MANDELA

SEC. 109. It is the sense of the Senate that the United States Ambassador should promptly make a formal request to the South African Government for the United States Ambassador to meet with Nelson Mandela.

POLICY TOWARD THE RECRUITMENT AND TRAINING OF BLACK SOUTH AFRICANS BY UNITED STATES EMPLOYERS

SEC. 110. (a) The Congress finds that—

(1) the policy of apartheid is abhorrent and morally repugnant;

(2) the United States believes strongly in the principles of democracy and individual freedoms;

(3) the United States endorses the policy of political participation of all citizens;

(4) a free, open, and vital economy is a primary means for achieving social equality and economic advancement for all citizens; and

(5) the United States is committed to a policy of securing and enhancing human rights and individual dignity throughout the world.

(b) It is the sense of the Congress that United States employers operating in South Africa are obliged both generally to actively oppose the policy and practices of apartheid and specifically to engage in recruitment and training of black and colored South Africans for management responsibilities.

TITLE II—MEASURES TO ASSIST VICTIMS OF APARTHEID

SCHOLARSHIPS FOR THE VICTIMS OF APARTHEID

SEC. 201. (a) Section 105(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A)(i) Of the amounts authorized to be appropriated to carry out this section for the fiscal years 1987, 1988, and 1989, not less than $4,000,000 shall be used in each such fiscal year to finance education, training, and scholarships for the victims of apartheid, including teachers and other educational professionals, who are attending universities and colleges in South Africa. Amounts available to carry out this subparagraph shall be provided in accordance with the provisions of section 802(c) of the International Security and Development Cooperation Act of 1985.

"(ii) Funds made available for each such fiscal year for purposes of chapter 4 of part II of this Act may be used to finance such education, training, and scholarships in lieu of an equal amount made available under this subparagraph.

"(B)(i) In addition to amounts used for purposes of subparagraph (A), the agency primarily responsible for administering this part, in collaboration with other appropriate departments or agencies of the United States, shall use assistance provided under this section or chapter 4 of part II of this Act to finance scholarships for students pursuing secondary school education in South Africa. The selection of scholarship recipients shall be by a nationwide panel or by regional panels appointed by the United States chief of diplomatic mission to South Africa.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act for the fiscal years 1987, 1988, and 1989, up to an aggregate of $1,000,000 may be used in each such fiscal year for purposes of this subparagraph.

"(C)(i) In addition to the assistance authorized in subparagraph (A), the agency primarily responsible for administering this part shall provide assistance for inservice teacher training programs in South Africa through such nongovernmental organizations as TOPS or teachers' unions.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act, up to an aggregate of $500,000 for the fiscal year 1987 and up to an aggregate of $1,000,000 for the fiscal year 1988 may be used for purposes of this subparagraph, subject to standard procedures for project review and approval.".

(b) The Foreign Assistance Act of 1961 is amended by inserting after section 116 the following new section:

"SEC. 117. ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS.—In providing assistance under this chapter or under chapter 4 of part II of this Act for disadvantaged South Africans, priority shall be given to working with and through South African nongovernmental organizations whose leadership and staff are selected on a nonracial basis, and which have the support of the disadvantaged communities being served. The measure of this community support shall be the willingness of a substantial number of disadvantaged persons to participate in activities sponsored by these organizations. Such organizations to which such assistance may be provided include the Educational Opportunities Council, the South African Institute of Race Relations, READ, professional teachers' unions, the Outreach Program of the University of the Western Cape, the Funda Center in Soweto, SACHED, UPP Trust, TOPS, the Wilgespruit Fellowship Center (WFC), and civic and other organizations working at the community level which do not receive funds from the Government of South Africa.".

HUMAN RIGHTS FUND

SEC. 202. (a) Section 116(e)(2)(A) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1984 and" and inserting in lieu thereof "1984,"; and

(2) by inserting after "1985" a comma and the following: "and $1,500,000 for the fiscal year 1986 and for each fiscal year thereafter".

(b) Section 116 of such Act is amended by adding at the end thereof the following new subsection:

"(f)(1) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, not less than $500,000 shall be used for direct legal and other assistance to political detainees and prisoners and their families, including the investigation of the killing of protesters and prisoners, and for support for actions of black-led community organizations to resist, through nonviolent means, the enforcement of apartheid policies such as—

"(A) removal of black populations from certain geographic areas on account of race or ethnic origin,

"(B) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

"(C) residence restrictions based on race or ethnic origin,

"(D) restrictions on the rights of blacks to seek employment in South Africa and to live wherever they find employment in South Africa, and

"(E) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.

"(2)(A) No grant under this subsection may exceed $100,000.

"(B) The average of all grants under this paragraph made in any fiscal year shall not exceed $70,000.

"(g) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, $175,000 shall be used for direct assistance to families of victims of violence such as 'necklacing' and other such inhumane acts. An additional $175,000 shall be made available to black groups in South Africa which are actively working toward a multi-racial solution to the sharing of political power in that country through nonviolent, constructive means.".

EXPANDING PARTICIPATION IN THE SOUTH AFRICAN ECONOMY

SEC. 203. (a) The Congress declares that—

(1) the denial under the apartheid laws of South Africa of the rights of South African blacks and other nonwhites to have the opportunity to participate equitably in the South African economy as managers or owners of, or professionals in, business enterprises, and

(2) the policy of confining South African blacks and other nonwhites to the status of employees in minority-dominated businesses,

is an affront to the values of a free society.

(b) The Congress hereby—

(1) applauds the commitment of nationals of the United States adhering to the Code of Conduct to assure that South African blacks and other nonwhites are given assistance in gaining their rightful place in the South African economy; and

(2) urges the United States Government to assist in all appropriate ways the realization by South African blacks and other nonwhites of their rightful place in the South African economy.

(c) Notwithstanding any other provision of law, the Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans.

EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 204. Section 2(b)(9) of the Export-Import Bank Act of 1945 is amended—

(1) by striking out "(9) In" and inserting in lieu thereof "(9)(A) Except as provided in subparagraph (B), in"; and

(2) by adding at the end thereof the following:

"(B) The Bank shall take active steps to encourage the use of its facilities to guarantee, insure, extend credit, or participate in the extension of credit to business enterprises in South Africa that are majority owned by South African blacks or other nonwhite South Africans. The certification requirement contained in clause (c) of subparagraph (A) shall not apply to exports to or purchases from business enterprises which are majority owned by South African blacks or other nonwhite South Africans.".

LABOR PRACTICES OF THE UNITED STATES GOVERNMENT IN SOUTH AFRICA

SEC. 205. (a) It is the sense of the Congress that the labor practices used by the United States Government—

(1) for the direct hire of South Africans,

(2) for the reimbursement out of official residence funds of South Africans and employees of South African organizations for their long-term employment services on behalf of the United States Government, and

(3) for the employment services of South Africans arranged by contract,

should represent the best of labor practices in the United States and should serve as a model for the labor practices of nationals of the United States in South Africa.

(b) The Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall promptly take, without regard to any provision of law, the necessary steps to ensure that the labor practices applied to the employment services described in paragraphs (1) through (3) of subsection (a) are governed by the Code of Conduct. Nothing in this section shall be construed to grant any employee of the United States the right to strike.

WELFARE AND PROTECTION OF VICTIMS OF APARTHEID BY THE UNITED STATES

SEC. 206. (a) The Secretary of State shall acquire, through lease or purchase, residential properties in the Republic of South Africa that shall be made available, at rents that are equitable, to assist victims of apartheid who are employees of the United States Government in obtaining adequate housing. Such properties shall be acquired only in neighborhoods which would be open to occupancy by other employees of the United States Government in South Africa.

(b) There are authorized to be appropriated $10,000,000 for the fiscal year 1987 to carry out the purposes of this section.

EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS IN SOUTH AFRICA

SEC. 207. (a) Any national of the United States that employs more than 25 persons in South Africa shall take the necessary steps to insure that the Code of Conduct is implemented.

(b) No department or agency of the United States may intercede with any foreign government or foreign national regarding the export marketing activities in any country of any national of the United States employing more than 25 persons in South Africa that is not implementing the Code of Conduct.

CODE OF CONDUCT

SEC. 208. (a) The Code of Conduct referred to in sections 203, 205, 207, and 603 of this Act is as follows:

(1) desegregating the races in each employment facility;

(2) providing equal employment opportunity for all employees without regard to race or ethnic origin;

(3) assuring that the pay system is applied to all employees without regard to race or ethnic origin;

(4) establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families;

(5) increasing by appropriate means the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by the apartheid system for the purpose of significantly increasing their representation in such jobs;

(6) taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health; and

(7) implementing fair labor practices by recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity.

(b) It is the sense of the Congress that in addition to the principles enumerated in subsection (a), nationals of the United States subject to section 207 should seek to comply with the following principle: taking reasonable measures to extend the scope of influence on activities outside the workplace, including—

(1) supporting the unrestricted rights of black businesses to locate in urban areas;

(2) influencing other companies in South Africa to follow the standards of equal rights principles;

(3) supporting the freedom of mobility of black workers to seek employment opportunities wherever they exist, and make provision for adequate housing for families of employees within the proximity of workers' employment; and

(4) supporting the rescission of all apartheid laws.

(c) The President may issue additional guidelines and criteria to assist persons who are or may be subject to section 207 in complying with the principles set forth in subsection (a) of this section. The President may, upon request, give an advisory opinion to any person who is or may be subject to this section as to whether that person is subject to this section or would be considered to be in compliance with the principles set forth in subsection (a).

(d) The President may require all nationals of the United States referred to in section 207 to register with the United States Government.

(e) Notwithstanding any other provision of law, the President may enter into contracts with one or more private organizations or individuals to assist in implementing this section.

PROHIBITION ON ASSISTANCE

SEC. 209. No assistance may be provided under this Act to any group which maintains within its ranks any individual who has been found to engage in gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961).

USE OF THE AFRICAN EMERGENCY RESERVE

SEC. 210. Whenever the President determines that such action is necessary or appropriate to meet food shortages in southern Africa, the President is authorized to utilize the existing, authorized, and funded reserve entitled the "Emergency Reserve for African Famine Relief" to provide food assistance and transportation for that assistance.

PROHIBITION ON ASSISTANCE TO ANY PERSON OR GROUP ENGAGING IN "NECKLACING"

SEC. 211. No assistance may be provided under this Act, the Foreign Assistance Act of 1961, or any other provision of law to any individual, group, organization, or member thereof, or entity that directly or indirectly engages in, advocates, supports, or approves the practice of execution by fire, commonly known as "necklacing".

PARTICIPATION OF SOUTH AFRICA IN AGRICULTURAL EXPORT CREDIT AND PROMOTION PROGRAMS

SEC. 212. Notwithstanding any other provision of this Act or any other provision of law, the Secretary of Agriculture may permit South Africa to participate in agricultural export credit and promotion programs conducted by the Secretary at similar levels, and under similar terms and conditions, as other countries that have traditionally purchased United States agricultural commodities and the products thereof.

TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

PROHIBITION ON THE IMPORTATION OF KRUGERRANDS

SEC. 301. No person, including a bank, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

PROHIBITION ON THE IMPORTATION OF MILITARY ARTICLES

SEC. 302. No arms, ammunition, or military vehicles produced in South Africa or any manufacturing data for such articles may be imported into the United States.

PROHIBITION ON THE IMPORTATION OF PRODUCTS FROM PARASTATAL ORGANIZATIONS

SEC. 303. (a) Notwithstanding any other provision of law, no article which is grown, produced, manufactured by, marketed, or otherwise exported by a parastatal organization of South Africa may be imported into the United States, (1) except for agricultural products during the 12 month period from the date of enactment; and (2) except for those strategic minerals for which the President has certified to the Congress that the quantities essential for the economy or defense of the United States are unavailable from reliable and secure suppliers and except for any article to be imported pursuant to a contract entered into before August 15, 1986: Provided, That no shipments may be received by a national of the United States under such contract after April 1, 1987.

(b) For purposes of this section, the term "parastatal organization" means a corporation or partnership owned or controlled or subsidized by the Government of South Africa, but does not mean a corporation or partnership which previously received start-up assistance from the South African Industrial Development Corporation but which is now privately owned.

PROHIBITION ON COMPUTER EXPORTS TO SOUTH AFRICA

SEC. 304. (a) No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use by any of the following entities of the Government of South Africa:

(1) The military.

(2) The police.

(3) The prison system.

(4) The national security agencies.

(5) ARMSCOR and its subsidiaries or the weapons research activities of the Council for Scientific and Industrial Research.

(6) The administering authorities for controlling the movements of the victims of apartheid.

(7) Any apartheid enforcing agency.

(8) Any local, regional, or homelands government entity which performs any function of any entity described in paragraphs (1) through (7).

(b)(1) Computers, computer software, and goods or technology intended to service computers may be exported, directly or indirectly, to or for use by an entity of the Government of South Africa other than those set forth in subsection (a) only if a system of end use verification is in effect to ensure that the computers involved will not be used for any function of any entity set forth in subsection (a).

(2) The Secretary of Commerce may prescribe such rules and regulations as may be necessary to carry out this section.

PROHIBITION ON LOANS TO THE GOVERNMENT OF SOUTH AFRICA

SEC. 305. (a) No national of the United States may make or approve any loan or other extension of credit, directly or indirectly, to the Government of South Africa or to any corporation, partnership or other organization which is owned or controlled by the Government of South Africa.

(b) The prohibition contained in subsection (a) shall not apply to—

(1) a loan or extension of credit for any education, housing, or humanitarian benefit which—

(A) is available to all persons on a nondiscriminatory basis; or

(B) is available in a geographic area accessible to all population groups without any legal or administrative restriction; or

(2) a loan or extension of credit for which an agreement is entered into before the date of enactment of this Act.

PROHIBITION ON AIR TRANSPORTATION WITH SOUTH AFRICA

SEC. 306. (a)(1) The President shall immediately notify the Government of South Africa of his intention to suspend the rights of any air carrier designated by the Government of South Africa under the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, to service the routes provided in the Agreement.

(2) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of South Africa under the Agreement to provide service pursuant to the Agreement.

(3) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation not to permit or otherwise designate any United States air carrier to provide service between the United States and South Africa pursuant to the Agreement.

(b)(1) The Secretary of State shall terminate the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, in accordance with the provisions of that agreement.

(2) Upon termination of such agreement, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by the Government of South Africa or by South African nationals from engaging in air transportation with respect to the United States.

(3) The Secretary of Transportation shall prohibit the takeoff and landing in South Africa of any aircraft by an air carrier owned, directly or indirectly, or controlled by a national of the United States or by any corporation or other entity organized under the laws of the United States or of any State.

(c) The Secretary of Transportation may provide for such exceptions from the prohibition contained in subsection (a) or (b) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(d) For purposes of this section, the terms "aircraft", "air transportation", and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

PROHIBITIONS ON NUCLEAR TRADE WITH SOUTH AFRICA

SEC. 307. (a) Notwithstanding any other provision of law—

(1) the Nuclear Regulatory Commission shall not issue any license for the export to South Africa of production or utilization facilities, any source or special nuclear material or sensitive nuclear technology, or any component parts, items, or substances which the Commission has determined, pursuant to section 109b. of the Atomic Energy Act, to be especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes;

(2) the Secretary of Commerce shall not issue any license for the export to South Africa of any goods or technology which have been determined, pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, to be of significance for nuclear explosive purposes for use in, or judged by the President to be likely to be diverted to, a South African production or utilization facility;

(3) the Secretary of Energy shall not, under section 57b.(2) of the Atomic Energy Act, authorize any person to engage, directly or indirectly, in the production of special nuclear material in South Africa; and

(4) no goods, technology, source or special nuclear material, facilities, components, items, or substances referred to in clauses (1) through (3) shall be approved by the Nuclear Regulatory Commission or an executive branch agency for retransfer to South Africa,

unless the Secretary of State determines and certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the Government of South Africa is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968, or otherwise maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities, as defined in the Nuclear Non-Proliferation Act of 1978.

(b) Nothing in this section shall preclude—

(1) any export, retransfer, or activity generally licensed or generally authorized by the Nuclear Regulatory Commission or the Department of Commerce or the Department of Energy; or

(2) assistance for the purpose of developing or applying International Atomic Energy Agency or United States bilateral safeguards, for International Atomic Energy Agency programs generally available to its member states, for reducing the use of highly enriched uranium in research or test reactors, or for other technical programs for the purpose of reducing proliferation risks, such as programs to extend the life of reactor fuel and activities envisaged by section 223 of the Nuclear Waste Policy Act of 1982 or which are necessary for humanitarian reasons to protect the public health and safety.

(c) The prohibitions contained in subsection (a) shall not apply with respect to a particular export, retransfer, or activity, or a group of exports, retransfers, or activities, if the President determines that to apply the prohibitions would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security of the United States and, if at least 60 days before the initial export, retransfer, or activity is carried out, the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth that determination, together with his reasons therefor.

GOVERNMENT OF SOUTH AFRICA BANK ACCOUNTS

SEC. 308. (a) A United States depository institution may not accept, receive, or hold a deposit account from the Government of South Africa or from any agency or entity owned or controlled by the Government of South Africa except for such accounts which may be authorized by the President for diplomatic or consular purposes. For purposes of the preceding sentence, the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

(b) The prohibition contained in subsection (a) shall take effect 45 days after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF URANIUM AND COAL FROM SOUTH AFRICA

SEC. 309. (a) Notwithstanding any other provision of law, no—

(1) uranium ore,

(2) uranium oxide,

(3) coal, or

(4) textiles,

that is produced or manufactured in South Africa may be imported into the United States.

(b) This section shall take effect 90 days after the date of enactment of this Act.

PROHIBITION ON NEW INVESTMENT IN SOUTH AFRICA

SEC. 310. (a) No national of the United States may, directly or through another person, make any new investment in South Africa.

(b) The prohibition contained in subsection (a) shall take effect 45 days after the date of enactment of this Act.

(c) The prohibition contained in this section shall not apply to a firm owned by black South Africans.

TERMINATION OF CERTAIN PROVISIONS

SEC. 311. (a) This title and sections 501(c) and 504(b) shall terminate if the Government of South Africa—

(1) releases all persons persecuted for their political beliefs or detained unduly without trial and Nelson Mandela from prison;

(2) repeals the state of emergency in effect on the date of enactment of this Act and releases all detainees held under such state of emergency;

(3) unbans democratic political parties and permits the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) repeals the Group Areas Act and the Population Registration Act and institutes no other measures with the same purposes; and

(5) agrees to enter into good faith negotiations with truly representative members of the black majority without preconditions.

(b) The President may suspend or modify any of the measures required by this title or section 501(c) or section 504(b) thirty days after he determines, and so reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that the Government of South Africa has—

(1) taken the action described in paragraph (1) of subsection (a),

(2) taken three of the four actions listed in paragraphs (2) through (5) of subsection (a), and

(3) made substantial progress toward dismantling the system of apartheid and establishing a nonracial democracy,

unless the Congress enacts within such 30-day period, in accordance with section 602 of this Act, a joint resolution disapproving the determination of the President under this subsection.

(c) It is the policy of the United States to support the negotiations with the representatives of all communities as envisioned in this Act. If the South African Government agrees to enter into negotiations without preconditions, abandons unprovoked violence against its opponents, commits itself to a free and democratic post-apartheid South Africa under a code of law; and if nonetheless the African National Congress, the Pan African Congress, or their affiliates, or other organizations, refuse to participate; or if the African National Congress, the Pan African Congress or other organizations—

(1) refuse to abandon unprovoked violence during such negotiations; and

(2) refuse to commit themselves to a free and democratic post-apartheid South Africa under a code of law,

then the United States will support negotiations which do not include these organizations.

POLICY TOWARD VIOLENCE OR TERRORISM

SEC. 312. (a) United States policy toward violence in South Africa shall be designed to bring about an immediate end to such violence and to promote negotiations concluding with a removal of the system of apartheid and the establishment of a non-racial democracy in South Africa.

(b) The United States shall work toward this goal by diplomatic and other measures designed to isolate those who promote terrorist attacks on unarmed civilians or those who provide assistance to individuals or groups promoting such activities.

(c) The Congress declares that the abhorrent practice of "necklacing" and other equally inhumane acts which have been practices in South Africa by blacks against fellow blacks are an affront to all throughout the world who value the rights of individuals to live in an atmosphere free from fear of violent reprisals.

TERMINATION OF TAX TREATY AND PROTOCOL

SEC. 313. The Secretary of State shall terminate immediately the following convention and protocol, in accordance with its terms, the Convention Between the Government of the United States of America and the Government of the Union of South Africa for the Avoidance of Double Taxation and for Establishing Rules of Reciprocal Administrative Assistance With Respect to Taxes on Income, done at Pretoria on December 13, 1946, and the protocol relating thereto.

PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

SEC. 314. On or after the date of enactment of this Act, no department, agency or any other entity of the United States Government may enter into a contract for the procurement of goods or services from parastatal organizations except for items necessary for diplomatic and consular purposes.

PROHIBITION ON THE PROMOTION OF UNITED STATES TOURISM IN SOUTH AFRICA

SEC. 315. None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism in South Africa.

PROHIBITION ON UNITED STATES GOVERNMENT ASSISTANCE TO, INVESTMENT IN, OR SUBSIDY FOR TRADE WITH, SOUTH AFRICA

SEC. 316. None of the funds appropriated or otherwise made available by any provi-

sion of law may be available for any assistance to investment in, or any subsidy for trade with, South Africa, including but not limited to funding for trade missions in South Africa and for participation in exhibitions and trade fairs in South Africa.

PROHIBITION ON SALE OR EXPORT OF ITEMS ON MUNITIONS LIST

SEC. 317. (a) Except as provided in subsection (b), no item contained on the United States Munition List which is subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any item which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and which the President determines is exported solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

(c) The President shall prepare and submit to Congress every six months a report describing any license issued pursuant to subsection (b).

MUNITIONS LIST SALES, NOTIFICATION

SEC. 318. (a) Notwithstanding any other provision of this Act, the President shall:

(i) notify the Congress of his intent to allow the export to South Africa any item which is on the United States Munition List and which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and

(ii) certify that such item shall be used solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

(b) The Congress shall have 30 calendar days of continuous session (computed as provided in section 906(b) of title 5, United States Code) to disapprove by joint resolution of any such sale.

PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD

SEC. 319. Notwithstanding any other provision of law, no:

(1) agricultural commodity, product, byproduct of derivative thereof,

(2) article that is suitable for human consumption, that is a product of South Africa may be imported into the customs territory of the United States after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF IRON AND STEEL

SEC. 320. Notwithstandig any other provision of law, no iron or steel produced in South Africa may be imported into the United States.

PROHIBITION ON EXPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS

SEC. 321. (a) No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is exported by a person subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

PROHIBITION ON COOPERATION WITH THE ARMED FORCES OF SOUTH AFRICA

SEC. 322. No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the Government of South Africa, except activities which are reasonably designed to facilitate the collection of necessary intelligence. Each such activity shall be considered a significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947.

PROHIBITIONS ON SUGAR IMPORTS

SEC. 323. (a)(1) Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of the Republic of South Africa may be imported into the United States after the date of enactment of this Act.

(2) The aggregate quantity of sugars, sirups, and molasses that—

(A) are products of the Philippines, and

(B) may be imported into the United States (determined without regard to this paragraph) under any limitation imposed by law on the quantity of all sugars, sirups, and molasses that may be imported into the United States during any period of time occurring after the date of enactment of this Act,

shall be increased by the aggregate quantity of sugars, sirups, and molasses that are products of the Republic of South Africa which may have been imported into the United States under such limitation during such period if this section did not apply to such period.

(b)(1) Paragraph (c)(i) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended—

(A) by striking out "13.5" in the item relating to the Philippines in the table and inserting in lieu thereof "15.8", and

(B) by striking out the item relating to the Republic of South Africa in the table.

(2) Paragraph (c) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended by adding at the end thereof the following new subparagraph:

"(iii) Notwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g) of this headnote—

"(A) the percentage allocation made to the Philippines under this paragraph may not be reduced, and

"(B) no allocation may be made to the Republic of South Africa,

in allocating any limitation imposed under any paragraph of this headnote on the quantity of sugars, sirups, and molasses described in items 155.20 and 155.30 which may be entered.".

TITLE IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

NEGOTIATING AUTHORITY

SEC. 401. (a) It is the policy of the United States to seek international cooperative agreements with the other industrialized democracies to bring about the complete dismantling of apartheid. Sanctions imposed under such agreements should be both direct and official executive or legislative acts of governments. The net economic effect of such cooperative should be measurably greater than the net economic effect of the measures imposed by this Act.

(b)(1) Negotiations to reach international cooperative arrangements with the other industrialized democracies and other trading partners of South Africa on measures to bring about the complete dismantling of apartheid should begin promptly and should be concluded not later than 180 days from the enactment of this Act. During this period, the President or, at his direction, the Secretary of State should convene an international conference of the other industrialized democracies in order to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid.

(2) The President shall, not less than 180 days after the date of enactment of this Act, submit to the Congress a report containing—

(A) a description of United States efforts to negotiate multilateral measures to bring about the complete dismantling of apartheid; and

(B) a detailed description of economic and other measures adopted by the other industrialized countries to bring about the complete dismantling of apartheid, including an assessment of the stringency with which such measures are enforced by those countries.

(c) If the President successfully concludes an international agreement described in subsection (b)(1), he may, after such agreement enters into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of sections 301 through 310 to conform with such agreement.

(d) Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if (and only if)—

(1) the President, not less than 30 days before the day on which he enters into such agreement, notifies the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(2) after entering into the agreement, the President transmits to the House of Representatives and to the Senate a document containing a copy of the final legal text of such agreement, together with—

(A) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law, and

(B) a statement of his reasons as to how the agreement serves the interest of United States foreign policy and as to why the proposed administrative action is required or appropriate to carry out the agreement; and

(3) a joint resolution approving such agreement has been enacted within 30 days of transmittal of such document to the Congress.

(e) It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council, pursuant to Article 41 of the United Nations Charter, impose measures against South Africa of the same type as are imposed by this Act.

LIMITATION ON IMPORTS FROM OTHER COUNTRIES

SEC. 402. The President is authorized to limit the importation into the United States of any product or service of a foreign country to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction or prohibition against any national of the United States imposed by or under this Act.

PRIVATE RIGHT OF ACTION

SEC. 403. (a) Any national of the United States who is required by this Act to terminate or curtail business activities in South Africa may bring a civil action for damages against any person, partnership, or corporation that takes commercial advantage or otherwise benefits from such termination or curtailment.

(b) The action described in subsection (a) may only be brought, without respect to the amount in controversy, in the United States district court for the District of Columbia or the Court of International Trade. Damages which may be recovered include lost profits

and the cost of bringing the action, including a reasonable attorney's fee.

(c) The injured party must show by a preponderance of the evidence that the damages have been the direct result of defendant's action taken with the deliberate intent to injure the party.

TITLE V—FUTURE POLICY TOWARD SOUTH AFRICA

ADDITIONAL MEASURES

SEC. 501. (a) It shall be the policy of the United States to impose additional measures against the Government of South Africa if substantial progress has not been made within twelve months of the date of enactment of this Act in ending the system of apartheid and establishing a nonracial democracy.

(b) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate within twelve months of the date of enactment of this Act, and every twelve months thereafter, a report on the extent to which significant progress has been made toward ending the system of apartheid, including—

(1) an assessment of the extent to which the Government of South Africa has taken the steps set forth in section 101(b) of this Act;

(2) an analysis of any other actions taken by the Government of South Africa in ending the system of apartheid and moving toward a nonracial democracy; and

(3) the progress, or lack of progress, made in reaching a negotiated settlement to the conflict in South Africa.

(c) If the President determines that significant progress has not been made by the Government of South Africa in ending the system of apartheid and establishing a nonracial democracy, the President shall include in the report required by subsection (b) a recommendation on which of the following additional measures should be imposed:

(1) a prohibition on the importation of steel from South Africa;

(2) a prohibition on military assistance to those countries that the report required by section 508 identifies as continuing to circumvent the international embargo on arms and military technology to South Africa;

(3) a prohibition on the importation of food, agricultural products, diamonds, and textiles from South Africa;

(4) a prohibition on United States banks accepting, receiving, or holding deposit accounts from South African nationals; and

(5) a prohibition on the importation into the United States of strategic minerals from South Africa.

(d) A joint resolution which would enact part or all of the measures recommended by the President pursuant to subsection (c) shall be considered in accordance with the provisions of section 602 of this Act.

LIFTING OF PROHIBITIONS

SEC. 502. (a) Notwithstanding any other provision of this Act, the President may lift any prohibition contained in this Act imposed against South Africa if the President determines, after six months from the date of the imposition of such prohibition, and so reports to Congress, that such prohibition would increase United States dependence upon any member country or observer country of the Council for Mutual Economic Assistance (C.M.E.A.) for the importation of coal or any strategic and critical material by an amount which exceeds by weight the average amounts of such imports from such country during the period 1981 through 1985.

(b)(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall prepare and transmit to the Congress a report setting forth for each country described in subsection (a)—

(A) the average amount of such imports from such country during the period of 1981 through 1985; and

(B) the current amount of such imports from such country entering the United States.

(2) Thirty days after transmittal of the report required by paragraph (1) and every thirty days thereafter, the President shall prepare and transmit the information described in paragraph (1)(B).

STUDY OF HEALTH CONDITIONS IN THE "HOMELANDS" AREAS OF SOUTH AFRICA

SEC. 503. The Secretary of State shall conduct a study to examine the state of health conditions and to determine the extent of starvation and malnutrition now prevalent in the "homelands" areas of South Africa and shall, not later than December 1, 1986, prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the results of such study.

REPORT ON SOUTH AFRICAN IMPORTS

SEC. 504. (a) Not later than 90 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the extent to which the United States is dependent on the importation from South Africa of—

(1) chromium,

(2) cobalt,

(3) manganese,

(4) platinum group metals,

(5) ferroalloys, and

(6) other strategic and critical materials (within the meaning of the Strategic and Critical Materials Stock Piling Act).

(b) The President shall develop a program which reduces the dependence, if any, of the United States on the importation from South Africa of the materials identified in the report submitted under subsection (a).

STUDY AND REPORT ON THE ECONOMY OF SOUTHERN AFRICA

SEC. 505. (a) The President shall conduct a study on the role of American assistance in southern Africa to determine what needs to be done, and what can be done to expand the trade, private investment, and transport prospects of southern Africa's landlocked nations.

(b) Not later than 180 days after the date of enactment of this Act, the President shall prepare and transmit to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study conducted under subsection (a).

REPORT ON RELATIONS BETWEEN OTHER INDUSTRIALIZED DEMOCRACIES AND SOUTH AFRICA

SEC. 506. (a) Not later than 180 days after the date of enactment of this Act, the President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing a detailed assessment of the economic and other relationships of other industrialized democracies with South Africa. Such report shall be transmitted without regard to whether or not the President successfully concluded an international agreement under section 401.

(b) For purposes of this section, the phrase "economic and other relationships" includes the same types of matters as are described in sections 201, 202, 204, 205, 206, 207, sections 301 through 307, and sections 309 and 310 of this Act.

STUDY AND REPORT ON DEPOSIT ACCOUNTS OF SOUTH AFRICAN NATIONALS IN UNITED STATES BANKS

SEC. 507. (a)(1) The Secretary of the Treasury shall conduct a study on the feasibility of prohibiting each depository institution from accepting, receiving, or holding a deposit account from any South African national.

(2) For purposes of paragraph (1), the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report detailing the findings of the study required by subsection (a).

STUDY AND REPORT ON THE VIOLATION OF THE INTERNATIONAL EMBARGO ON SALE AND EXPORT OF MILITARY ARTICLES TO SOUTH AFRICA

SEC. 508. (a) The President shall conduct a study on the extent to which the international embargo on the sale and exports of arms and military technology to South Africa is being violated.

(b) Not later than 179 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study required by subsection (a), including an identification of those countries engaged in such sale or export, with a view to terminating United States military assistance to those countries.

REPORT ON COMMUNIST ACTIVITIES IN SOUTH AFRICA

SEC. 509. (a) Not later than 90 days after the date of enactment of this Act, the President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate an unclassified version of a report, prepared with the assistance of the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the National Security Advisor, and other relevant United States Government officials in the intelligence community, which shall set forth the activities of the Communist Party in South Africa, the extent to which Communists have infiltrated the many black and nonwhite South African organizations engaged in the fight against the apartheid system, and the extent to which any such Communist infiltration or influence sets the policies and goals of the organizations with which they are involved.

(b) At the same time the unclassified report in subsection (a) is transmitted as set forth in that subsection, a classified version of the same report shall be transmitted to the chairmen of the Select Committee on Intelligence of the Senate and of the Permanent Select Committee on Intelligence of the House of Representatives.

PROHIBITION ON THE IMPORTATION OF SOVIET GOLD COINS

SEC. 510. (a) No person, including a bank, may import into the United States any gold coin minted in the Union of Soviet Socialist Republics or offered for sale by the Government of the Union of Soviet Socialist Republics.

(b) For purposes of this section, the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(c) Any individual who violates this section or any regulations issued to carry out this section shall be fined not more than five times the value of the rubles involved.

ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS

SEC. 511. (a) Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 535. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.—(a)(1) Up to $40,000,000 of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1987 and each fiscal year thereafter shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on non-racial principles. Such activities may include scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, alternative education and community development programs.

"(2) Up to $3,000,000 of the amounts provided in each fiscal year pursuant to subsection (a) shall be available for training programs for South Africa's trade unionists.

"(b) Assistance provided pursuant to this section shall be made available notwithstanding any other provision of law and shall not be used to provide support to organizations or groups which are financed or controlled by the Government of South Africa. Nothing in this subsection may be construed to prohibit programs which are consistent with subsection (a) and which award scholarships to students who choose to attend South African-supported institutions.".

(b) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prepare and transmit to the Congress a report describing the strategy of the President during the five-year period beginning on such date regarding the assistance of black Africans pursuant to section 535 of the Foreign Assistance Act of 1961 and describing the programs and projects to be funded under such section.

REPORT ON THE AFRICAN NATIONAL CONGRESS

SEC. 512. (a) Not later than 180 days after the date of enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report on actual and alleged violations of the Foreign Agents Registration Act of 1938, and the status of any investigation pertaining thereto, by representatives of governments or opposition movements in sub-Saharan Africa, including, but not limited to, members or representatives of the African National Congress.

(b) For purposes of conducting any investigations necessary in order to provide a full and complete report, the Attorney General shall have full authority to utilize civil investigative demand procedures, including but not limited to the issuance of civil subpenas.

TITLE VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

REGULATORY AUTHORITY

SEC. 601. The President shall issue such rules, regulations, licenses, and orders as are necessary to carry out the provisions of this Act, including taking such steps as may be necessary to continue in effect the measures imposed by Executive Order 12532 of September 9, 1985, and Executive Order 12535 of October 1, 1985, and by any rule, regulation, license, or order issued thereunder (to the extent such measures are not inconsistent with this Act).

CONGRESSIONAL PRIORITY PROCEDURES

SEC. 602. (a)(1) The provisions of this subsection apply to the consideration in the House of Representatives of a joint resolution under sections 311(b), 401(d), and 501(d).

(2) A joint resolution shall, upon introduction, be referred to the Committee on Foreign Affairs of the House of Representatives.

(3)(A) At any time after the joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(b)(1) The provisions of this subsection apply to the consideration in the Senate of a joint resolution under section 311(b), 401(d), or 501(d).

(2) A joint resolution shall, upon introduction, be referred to the Committee on Foreign Relations of the Senate.

(3) A joint resolution described in this section shall be considered in the Senate in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(A) references in such paragraphs to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate; and

(B) amendments to the joint resolution are in order.

(c) For purposes of this subsection, the term "joint resolution" means only—

(A) in the case of section 311(b), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the report described in section 311(b) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on the report of the President containing the determination required by section 311(b) of the Comprehensive Anti-Apartheid Act of 1986, disapproves of such determination.", with the date of the receipt of the report inserted in the blank;

(B) in the case of section 401(d)(3), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the document described in section 401(d)(2) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on the text of the international agreement described in section 401(d)(3) of the Comprehensive Anti-Apartheid Act of 1986, approves of such agreement.", with the date of the receipt of the text of the agreement inserted in the blank; and

(C) in the case of section 501(d), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the determination of the President pursuant to section 501(c) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on a determination of the President under section 501(c) of the Comprehensive Anti-Apartheid Act of 1986, approves the President's determination.", with the date of the receipt of the determination inserted in the blank.

(d) As used in this section, the term "legislative day" means a day on which the House of Representatives or the Senate is in session, as the case may be.

(e) This section is enacted—

(1) as an exercise of the rulemaking powers of the House of Representatives and the Senate, and as such it is deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

ENFORCEMENT AND PENALTIES

SEC. 603. (a)(1) The President with respect to his authorities under section 601 shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with this Act and such regulations, licenses, and orders.

(2) In ensuring such compliance, the President may—

(A) require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction described in this Act either before, during, or after the completion thereof, or relative to any inter-

est in foreign property, or relative to any property in which a foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this Act; and

(B) conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) Except as provided in subsection (d)—

(1) any person that violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be subject to a civil penalty of $50,000;

(2) any person, other than an individual, that willfully violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be fined not more than $1,000,000;

(3) any individual who willfully violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than $50,000, or imprisoned not more than 10 years, or both; and

(4) any individual who violates section 301(a) or any regulations issued to carry out that section shall, instead of the penalty set forth in paragraph (2), be fined not more than 5 times the value of the krugerrands or gold coins involved.

(c)(1) Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) Paragraph (1) shall not apply in the case of a violation by an individual of section 301(a) of this Act or of any regulation issued to carry out that section.

(3) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(d)(1) Any person who violates any regulation issued under section 208(d) or who, in a registration statement or report required by the Secretary of State, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall be subject to a civil penalty of not more than $10,000 imposed by the Secretary of State. The provisions of subsections (d), (e), and (f) of section 11 of the Export Administration Act of 1979 shall apply with respect to any such civil penalty.

(2) Any person who commits a willful violation under paragraph (1) shall upon conviction be fined not more than $1,000,000 or imprisoned not more than 2 years, or both.

(3) Nothing in this section may be construed to authorize the imposition of any penalty for failure to implement the Code of Conduct.

APPLICABILITY TO EVASIONS OF ACT

SEC. 604. This Act and the regulations issued to carry out this Act shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this Act or such regulations.

CONSTRUCTION OF ACT

SEC. 605. Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in this Act.

STATE OR LOCAL ANTI-APARTHEID LAWS, ENFORCE

SEC. 606. Notwithstanding section 210 of Public Law 99-349 or any other provision of law—

(1) no reduction in the amount of funds for which a State or local government is eligible or entitled under any Federal law may be made, and

(2) no other penalty may be imposed by the Federal Government,

by reason of the application of any State or local law concerning apartheid to any contract entered into by a State or local government for 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 30 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 30 minutes.

Before the gentleman from Florida is recognized, would the gentleman from California [Mr. DIXON] take the chair.

The SPEAKER pro tempore (Mr. DIXON). The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, the matter which I bring before the House today is intended to assist in the formulation of a bipartisan United States policy toward South Africa, encouraging that Government to dismantle its system of apartheid.

During the 99th Congress, the House has passed several bills imposing sanctions on South Africa—none have been enacted into law. By approving the motion which I offer today, we have a real opportunity to have United States policy toward South Africa enacted into law. Both Houses of Congress have recognized the need for a change in U.S. policy. The motion I offer today is intended to bring about a change in that policy.

On June 18, the House passed a strong sanctions bill, H.R. 4868. The Senate amendment to that bill, while not as strong as the House bill, is a good bill. It will send a strong bipartisan message to the Government and people of South Africa.

I know many Members would like to strengthen the bill. It is important for the Congress to send a strong message South Africa but it is equally important to send a message which has the support of both Houses. In light of the shortness of time remaining in this session and in light of the need to expedite sending this important legislative policy initiative to the President, H.R. 4868, as amended by the Senate, is the most appropriate vehicle at this time.

Let me briefly discuss the resolution contained in the rule, House Resolution 548. During the debate on this matter statements were made that this legislation preempts State and local anti-apartheid laws. The resolution House Resolution 548 simply states that it is not the intent of the House of Representatives that this bill limit or preempt State of local financial or commerical activity respecting South Africa.

Mr. Speaker, I urge adoption of the motion.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the face of a steadily deteriorating situation at home, and an increasingly united opposition abroad, the South African Government continues to cling to the debilitating system of apartheid. Let no one claim that there is confusion on this point: The Congress, the administration, and the American people deplore the system of apartheid and the human toll that lies in its wake.

Today, the House considers whether or not to accept the Senate amendment to H.R. 4868, the Anti-Apartheid Act of 1986. This amendment, of course, is substantially different from the bill passed by the House in late June. I believe it is a better bill than the more extreme legislation passed by the House. However, in my judgment, the House should have appointed conferees to work out the differences in the respective bills with our Senate colleagues. I believe that many constructive changes could have emerged from a conference.

□ 1105

However, the Democrat leadership in the House has apparently chosen to accept in its entirety the Senate bill.

I want to say, Mr. Speaker, in fairness, there are a number of aspects of this bill before us that will, if enacted, do a great deal of good. For example, title II contains provisions earmarking funds for scholarships for the victims of apartheid. It sets forth guidelines for assistance to disadvantaged South Africans. It earmarks funds for the promotion of human rights and takes steps to encourage blacks to use Export Import Bank facilities.

In addition, it does not require disinvestment, but requires U.S. companies to comply with a rigorous set of fair employment principles.

These are positive actions that provide assistance to nonwhite South Africans while maintaining numerous benefits to the black majority associated with the presence of the American business community in that country.

In other titles, the bill clearly sets forth U.S. policy toward South Africa. It calls for negotiations to reach international agreements incorporating sanctions against South Africa. Lastly, it prohibits after 90 days, the enforcement of State and local anti-apartheid

laws with respect to contracts funded in whole or in part by the Federal Government.

Mr. Speaker, it seems to me in response to this latter point that our Democrat colleagues included in the rule we just adopted a most unusual and probably unconstitutional provision. Section 2 of the rule provides that upon adoption of H.R. 4868, the House shall be considered to have adopted a House resolution containing a statement of intent of the House regarding the issue of preemption. Mr. Speaker, this is a highly unusual and alarming procedural twist which appears to attempt to reshape the bill passed by the other body without going to conference. The language of the rule appears to try to rewrite our Constitution to allow States and localities to independently conduct their own foreign policies.

I want to conclude by saying it is unfortunate that this unusual procedural situation has developed. It can only jeopardize the bill's acceptance by the President. The White House has notified me this morning that the President is strongly opposed to enactment of this legislation in its present form.

Mr. WOLPE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Speaker, today we are considering legislation that will put the United States on the legislative record against the continuation of South Africa's brutal and oppressive policy of racism.

Unfortunately, the legislation before us today is not as comprehensive as the legislation passed earlier by this body on June 18, 1986, which would have put an end to all United States investment in and trade with South Africa.

South Africa is the only country in the world that judges how much freedom, justice, or property a person is entitled to strictly on the basis of his or her color. After decades of this racial oppression by the minority government in Pretoria the American public—and many in the world community—has now developed a clear and unequivocal abhorrence to the continuation of apartheid and any action, or inaction, on the part of the United States that could in any way support the maintenance of this hideous and violent policy.

There has been some difference of opinion among Members of Congress on the effect of the implementation of economic sanctions on Pretoria's continuation of apartheid. Yet there are many, and the number is steadily growing, who believe that apartheid has been allowed to exist far too long and the only nonviolent action that will help facilitate the demise of that hideous policy is the implementation of economic sanctions.

The bill before us today is an initial step to legislatively demonstrate to South Africa and the world our great Nation's strong disapproval of apartheid. Although I would have liked to see this bill strengthened in conference, I recognize the political realities and time constraints of Congress and the White House. People in South Africa are dying every day. The United States cannot morally and politically afford to support our current political and commercial relationship with South Africa. It is for this reason, that I reluctantly support this legislation which has a strong chance of becoming law soon rather than fighting now to achieve a definitive anti-apartheid bill that would not pass the other body or be signed by the President.

I was very concerned, however, over the other body's statutory silence on the question of Federal preemption over more stringent and comprehensive local and State anti-apartheid ordinances and laws already approved by about 20 States and 80 cities. Because of my concern not to negate the results achieved by millions of Americans on the local and State levels, I actively worked with other Members of the Congressional Black Caucus to ensure that the rule for consideration of this bill would explicitly state this body's intention not to preempt local and State anti-apartheid ordinances. The inclusion of this language in the rule already adopted by the House helps us establish a legislative history of our intent not to preempt the advances against apartheid made on the local and State levels. I would like to reiterate the wording of that rule at this point in my statement:

Resolved, That in passing the bill, H.R. 4868, as amended by the Senate, it is not the intent of the House of Representatives that the bill limit, preempt, or affect, in any fashion, the authority of any State or local government, or the District of Columbia, or of any commonwealth territory, or possession of the United States, or political subdivision thereof to restrict, or otherwise regulate any financial, or commercial activity respecting South Africa.

Although this does not ensure the retention of the significant gains made by Americans across our great Nation, it does allow us to go on the record stating our intention not to supersede local and State anti-apartheid ordinances and laws.

The inclusion of this language in the rule is significant in protecting the strides already made in the struggle to end apartheid.

I, therefore, rise in support of the measure before us which I am hopeful will become law soon and help accelerate the collapse of apartheid in South Africa. Thank you.

Mr. WOLPE. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, the legislation that is before us would impose tough, effective sanctions against South Africa; sanctions which would enable American policy to turn away from the failure of so-called constructive engagement.

The bill is not as strong as the original House version, and not as strong as many of us had hoped for. While the legislation does not go as far as we would have liked, there is no quarrel that it is effective and that House passage of its original legislation, in the form of the stronger substitute offered by the gentleman from California [Mr. DELLUMS], has played a key role in moving this process forward to where we are today.

I want to pay tribute to the gentleman from California [Mr. DELLUMS], the gentleman from Pennsylvania [Mr. GRAY], the author of the original House version of the legislation, and to so many others such as Mr. SOLARZ, Mr. WHEAT, Mr. LELAND, Mr. FISH, Mr. MILLER, Mr. ROEMER, and Mr. GILMAN, all of whom have had a key role in providing the leadership to the anti-apartheid movement nationally and within this body.

H.R. 4868, as amended by the Senate, bans imports of textiles, agricultural products, coal, uranium, and steel from South Africa, as well as any products produced, manufactured, marketed, or otherwise exported by South African para-statal agencies. It bans virtually all new investment of U.S. dollars in South Africa, and the overwhelming majority of new loans.

It ends landing rights for South African-owned aircraft in the United States, and vice versa. It contains a number of lesser sanctions, including legislative codification of the sanctions contained in the President's Executive orders of September 9 and October 11 of 1985.

Furthermore, the sanctions may not be lifted unless and until South Africa meets four of five stiff conditions aimed at fostering a negotiated political settlement with the representatives of the black majority and the dismantling of the apartheid system.

Finally, the bill threatens further sanctions within a year if the South African Government has not made substantial progress in ending apartheid and establishing a nonracial democracy.

Mr. Speaker, as chairman of the Subcommittee on Africa, I want to state my own view that there is nothing whatever in this bill that seeks to preempt or supersede State and city laws and policies which seek to ensure that the funds of those entities are used and invested in a socially responsible manner with respect to apartheid. In this regard, I would like to insert in the RECORD an excellent editorial by Gerald Warburg, foreign policy adviser to Senator ALAN CRANSTON, which was published in today's Los Angeles Times:

[From the Los Angeles Times, Sept. 12, 1986]

DIVESTITURE WILL SURVIVE

(By Gerald Warburg)

Will the South Africa sanctions legislation pending in Congress undermine California's new anti-apartheid law? Can federal authority require local governments to profit from apartheid against their will?

The answer to both vexing questions is yes, according to proponents of a sweeping federal preemption doctrine recently advanced by Sen. Richard G. Lugar (R-Ind.).

The specter that enacting the pending congressional measure on anti-apartheid trade sanctions would strike down broader state divestiture legislation has alarmed grass-roots activists. At stake is the fate of as many as 20 state statutes and more than

80 city and county regulations that address the South Africa issue.

There is valid reason for concern when one hears the views of Lugar, the respected Foreign Relations Committee chairman: "When we get into anti-apartheid law, the federal government is speaking for the nation . . . we cannot have individual states and cities establishing their own foreign policies."

Lugar rests his case on the presumptive constitutional grant of federal supremacy in international affairs, and concludes that any federal legislation on South Africa—no matter how limited its scope—preempts all state legislation on the matter.

But before the activists' concern turns to panic, the full record needs to be scrutinized. There is no reason for California to back away from the strong measures adopted in Sacramento. Lugar's is a minority opinion—one unlikely to prevail if pressed in a legal challenge.

"When I use a word, it means just what I choose it to mean," says the Queen in "Alice In Wonderland." So it often is with lawmakers struggling to place their own interpretation on legislation during the drafting process. Lugar currently is advancing his own preemption thesis as a selling point to persuade the White House and corporate leaders to live with the Senate bill, which Lugar maintains would at least get local authorities off their backs on the emotionally charged South Africa issue.

Yet the "Lugar bill" actually is a cut-and-paste job of legislation drafted by a half-dozen senators. These co-authors utterly rejected Lugar's interpretation, as the following statements culled from the long and tortured legislative history of the South Africa debate illustrate.

William Proxmire of Wisconsin, senior Democrat on the Banking Committee: "We have no intention of preempting state divestment laws."

Alan Cranston of California, Democratic floor manager of the measure: "Courts always recognize the distinction between the state as market participant and the state as a market regulator . . . we have no intention of compelling sovereign states to invest in companies that they do not wish to invest in."

Edward M. Kennedy of Massachusetts, senior Democrat on the Judiciary Committee: "The law is clear that this legislation will not preempt the kind of state and local action against apartheid that has occurred throughout this country."

Advocates of total preemption make much of a vote last month against an amendment by Sen. Alfonse M. D'Amato (R-N.Y.). But this amendment pertained only to a special contracting issue (whereby federal funds for New York City might be withheld if local authorities, acting against companies still in South Africa, ignored U.S. civil-rights and budget laws requiring acceptance of low-bid contracts). D'Amato said explicitly that this debate "had nothing to do with divestiture."

Those who wish that the federal legislation explicity preempted local divestiture have failed to win their point in the congressional debate. The only effort to legislate a total ban on state laws pertaining to South Africa, an amendment introduced by Sen. William V. Roth Jr. (R-Del.), was withdrawn in the face of very strong opposition. The final legislative product has no substantive provisions whatsoever on preemption. And it is totally silent on the divestiture issue. This it is grasping at straws to maintain, as Lugar has, that the bill "occupies the field" on all South Africa-related matters.

While Lugar is correct that the Constitution yields supremacy to Washington in conducting foreign relations, the Supreme Court has defended repeatedly the right of states to manage their own funds—even if their trusteeship involves choices affecting international affairs.

As is often the case, Washington lawmakers have followed, not led, local governments, churches and university activities in addressing the South Africa issue. The federal courts are unlikely to sustain an illogical assertion that congressional action, which imposes trade sanctions but is silent on divestiture and preemption, could force states to keep their IBM stock. Yet, because of the stir created by Lugar's assertions, proponents of sanctions will move to enact new provisions that would make the case for total preemption legally untenable.

The bottom line is that local authorities already have a clear legal right (and moral obligation) to exercise discretion in how they invest their money. While a minority may *wish* that the emerging federal law would immobilize grass-roots action, wishing isn't going to make it so.

There are over 19 States, 68 cities, and 10 counties whose total divestment from securities of companies with operations in South Africa already amounts to some $18.5 billion and many other States and localities are considering similar action. Among the leaders in divestment are my own home State of Michigan, New Jersey, West Virginia, Nebraska, Rhode Island, Connecticut, New Mexico, and, most recently, California.

In passing their bills, they do not seek—these municipalities and State governments—to regulate the activities of other private or government entities. These bills are therefore markedly different from the bill we will be voting on today. They do not violate any express constitutional mandate, treaty, executive agreement, or with the possible exception of rules governing bidding for Federal contracts, any Federal statutes.

If anything, they are consistent in principle with the national policy toward South Africa, and apartheid, articulated in the provisions of this bill.

I would also note that in many respects, the bill now before us is very similar to the bill passed by this House last year, the first session of this Congress.

If you go back to that debate, you will note that there was not a single suggestion made in the entire course of that debate by Members of either side of this aisle that the legislation has anything to do whatsoever with an effort at preempting or superseding State and local laws.

In closing, Mr. Speaker, I want to make a special plea to the President. Please, Mr. President, heed the overwhelming bipartisan consensus that exists in this Congress and among the American people.

We, the Congress, are saying by the passage of this legislation that we do not want America any longer to be an accomplice to apartheid. We are also saying to the South African Government that they must understand that their hope of maintaining the system of apartheid in place, their hope of preserving minority rule in South Africa, is pure fantasy.

That their delay in negotiating with the credible black leadership, their delay in freeing Nelson Mandela, and unbanning the African National Congress, and entering into direct negotiations with the ANC and other representative groups within South Africa, will meet only with increasing economic pressure and growing international isolation.

Mr. President, throughout the world, people are puzzled by how different our approach has been to South Africa and to other cases of oppression and inhumanity around the world. They see how the United States has responded in the cases of Nicaragua and Cuba and Afghanistan and Poland and Libya and by contrast that with the way we have responded in South Africa.

There is a perception that we are pursuing a double standard, and it is that perception that is eroding America's moral authority and political influence around the world.

Mr. President, do not resist this sanctions effort. Instead, please use the influence and authority of your office to reinforce the bipartisan national consensus that is being expressed by the passage of this legislation by this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MILLER].

□ 1115

Mr. MILLER of Washington. Mr. Speaker, this is a constructive and responsible measure. This legislation, which enjoys the overwhelming support of both Houses of the U.S. Congress, is the strongest message yet that the American people want substantial progress toward ending apartheid now. This action makes clear our position on apartheid today as it preserves our hopes for the future of democracy in South Africa.

I believe this is an appropriate message to come from the United States. As the leader in the struggle for freedom and democracy in the world, as the leader in the fight against Communist oppression, we must be vigorous in our opposition to racist and political oppression.

The worldwide yearning for freedom and self-determination demands no less of us.

I am especially pleased, Mr. Speaker, that this measure expands on the positive approach I suggested over a year ago and which was adopted by this House. That is the linking up with and supporting groups working for democracy and a peaceful end to apartheid. I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

Mr. WOLPE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Speaker and colleagues, I rise today in support of the resolution before us. I would have welcomed the opportunity to go to conference to strengthen this legislation, because I believe the position taken by the House was the correct position in light of the increased oppression and tyranny of apartheid that we have seen in the last 18 months. But unfortunately, we do not have the opportunity to go to conference and yet at the same time ensure that there will be a sanctions bill that can be signed into law, and the Congress can have the opportunity to vote on whether or not to override a Presidential veto. Thus, even though I would have preferred the House position, I rise today to urge all of my colleagues to support this resolution.

I do so with mixed feelings, because many of the provisions of this resolution which were written by the distinguished chairman of the Committee on Foreign Affairs of the other body, a Republican, I might add, were provisions that we wrote 5 years ago: No new investment, no bank loans, fair employment practices.

Clearly the situation in South Africa has progressed far beyond where it was 5 years ago. Thus, we need a more powerful signal, a more powerful restriction of the economic fuel for the political engine of apartheid.

However, in the interest of getting sanctions passed which would clearly show to the 28,000,000 black majority that we stand with them, will clearly say to our allies we want to restrict economic activity with the racist regime and at the same time put us strategically and morally in the correct position on human rights, I urge my colleagues to support the resolution before us.

This bill will maintain pressure on South Africa. It is not designed to knock down the economy of South Africa. It is perhaps designed to knock some sense into the Botha regime and apartheid. It is not going to bring about startling change overnight, just as our sanctions against Poland, Libya, Nicaragua, Afghanistan, and 16 other nations have not brought startling change.

But what it will say to the entire world is that the American people do not want to provide economic support for apartheid. It is important that we collectively, bipartisanly say that. We were willing to light candles for those oppressed in Poland. If we pass this legislation, and if we are willing to override a veto, today, we will light a candle for those oppressed in South Africa as well. That is the position that this great democracy should have in the world.

We must not simply talk about democratic values, but we must implement them as we have done in other places in the world.

There are those who will say, "Sanctions do not work." Well, why is it we have them in 20 other countries in the world? They will say," Sanctions hurt, they hurt the very people you are trying to help." Well, interestingly they never said that in Poland, they never said it in Iran, they never said it in Afghanistan, they never said it in Kampuchea, or North Korea. So why have that as the standard in South Africa?

But more importantly, they overlook the one important fact of racism in South Africa—sanctions may hurt, but apartheid kills.

Right now, as we debate, there are people who cannot even bury their dead who have been killed by the violence of Apartheid.

So, yes, there may be some pain. Bishop Tutu has acknowledged that and Reverend Boesak has also acknowledged that.

When I was there with my colleague, Congressman FAUNTROY, and Congresswoman LYNN MARTIN from this Republican side of the aisle, in January, even the labor leaders said, "Yes, restrictions will hurt, but we are prepared to endure that hurt if it means that our day of liberation and freedom may come closer because you raise the cost of apartheid for the minority who is living off of our oppression."

So, yes, sanctions may hurt but, remember when you vote today that apartheid kills.

Therefore, I urge you to vote so that we can stand with those oppressed.

Let us pass this measure and send it to the President of the United States and then override his veto if he will not lead a bipartisan consensus of the American Congress.

The SPEAKER pro tempore (Mr. DIXON). The gentleman from Forida has 16½ minutes remaining and the gentleman from Michigan [Mr. BROOMFIELD] has 24 minutes remaining.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. CRANE].

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, like all people should, I abhor apartheid but I rise in opposition to this legislation, although I am certainly under no illusions about the eventual outcome of the vote we will be taking today. And I do feel compelled to make a few remarks.

That additional sanctions are going to be imposed on South Africa seems beyond doubt. But what is equally beyond reasonable doubt is the fact that sanctions can only make a bad situation even worse. Throughout the several years that Congress has debated sanctions against South Africa, not one concrete argument has been produced in support of the contention that a de facto disengagement of American involvement in South Africa holds out the promise of anything better for that country.

A recent editorial in the Wall Street Journal declared that congressional advocates of sanctions against South Africa have seemingly embraced "the strange idea that economic collapse will somehow confer unity and true democracy" in such an extremely diverse and racially divided country.

I would suggest that South Africa defies neat and easy categorization. It is a country possessing attributes of both the first world and the Third World. And the salient reality about Southern Africa as a whole is that the political, social, and economic fabric of that region is such that sanctions or punitive actions taken against South Africa will also spill over into each of the neighboring countries. And all of this will take place with no likelihood that the apartheid system will be in any significant way either changed or done away with.

A recent editorial in the Washington Post suggested that many advocates of sanctions against South Africa are only now—somewhat belatedly—coming to the realization that sanctions against one country in Southern Africa really mean sanctions against all countries in that region.

The editorial went on to make the even more ominous observation that the South African Government, for its own perverse reasons, may even welcome such pressure in order "to show it can endure Western sanctions and dish out tougher ones itself." In fact, South Africa has already started with Zimbabwe and Zambia.

South Africa has begun demonstrating just how steep the cost of sanctions can be by recently levying an import tax on all goods bound for Zimbabwe and Zambia that traverse South Africa. According to the new regulations, importers in Zimbabwe and Zambia are required to place a cash deposit equal to 125 percent of South African customs duties on all goods bound for those two countries that are being shipped via South African-controlled facilities. Over time, the enforcement of such a requirement can only have a devastating impact on the economies of those two countries.

Throughout the many congressional debates on South Africa, I have always emphasized that we must resist the temptation of dealing with South Africa purely from an attitude of malice. And so I approach this vote today with a feeling of profound regret.

We must stand ready to help the South African people achieve change in a manner that does not foreclose their future—the continent

of Africa is already littered with the wreckage of too many failed revolutions and ruined economies. Unfortunately, this bill isn't the way to do it.

Mr. Speaker, I would also like to speak to the intent of this bill and any report language concerning outstanding obligations and current investments.

Mr. Speaker, in defining the term "loan" and "investment" in H.R. 4868, our colleagues in the U.S. Senate gave careful thought to the real and practical effect that the imposition of sanctions would have both on South Africa and on the United States. The Senate reached two broad conclusions about the ban on new loans and new investments that are embodied in H.R. 4868: Loans outstanding to South African residents are not prohibited—nor is rescheduling of such loans—and South African business operations of United States companies, including those of United States financial institutions, are not required to be terminated or reduced at this time. These conclusions are based on the sound judgment that imposing extraordinary losses on United States creditors and investors by making them in effect write off all or most of these financial or corporate assets injures those Americans and benefits South Africa: South Africa would continue to have full use of those financial resources and enterprises.

I commend the wisdom of these provisions of the Senate bill.

One of the purposes of H.R. 4868 is to codify the provisions of the Executive orders President Reagan issued last fall with respect to South Africa. To implement those Executive orders, the Departments of Treasury, Commerce, and others issued a variety of regulations. To the greatest extent possible, those regulations should be relied upon in implementing H.R. 4868.

For example, the Executive orders and the regulations issued under them do not bar U.S. financial institutions for making rand-denominated loans to the private sector. This is permitted so long as the making of these loans do not involve any transfers of new funds by the financial institution to its South African subsidiary. This practice of redeploying local assets is fully consistent with the ban on new investment contained in this bill.

Mr. CRANE. Mr. Speaker, once again the House of Representatives has the opportunity to stop an emotionally driven legislative effort that will have the unfortunate impact of hurting the very people that it is trying to help—the blacks in South Africa. While from a moral standpoint this legislation certainly has a commendable objective, the sad reality is that it will not help to bring about a peaceful change in South Africa. In fact, it is likely to do just the opposite, further adding to the unrest and violence that already plagues that country. Consequently, each of us will have to live with the fact that the black South African will suffer to pay for our moral crusade. I, for one, do not want to live with that burden.

Repeatedly during the debate on the House sanctions bill, I heard proponents of the bill claim that the blacks in South Africa are willing to suffer to bring about an end to apartheid. That is easy to say from the comfort of a Capitol Hill office, but a recent Sunday Times—London—poll of 615 blacks throughout South Africa, indicates that nearly two-thirds are opposed to suffering and violence as a means to end apartheid. Furthermore, the polls revealed the 44 percent of the blacks surveyed thought they would be hurt personally by sanctions, as opposed to only 17 percent who thought they would not be hurt. Clearly then, those who claim that the blacks are willing to suffer the consequences of our sanctions are not representing the people who will do the actual suffering.

Those factions that support unrest and violence in South Africa as a means to end apartheid are also the very ones that stand to benefit from the turmoil that would accompany the fall of the Government. My fear is that the United States will act unwisely, and as a result, we will deliver the people of South Africa to a future which promises only the tragic shackles of economic chaos, civil war, and Soviet dominated totalitarianism.

The Reverend John Gugucha, director of a private black religious outreach program in South Africa, recently warned that "one man, one vote" in South Africa would lead to totalitarianism as it has in other African nations. "We have all seen what has happened in other African states," said Mr. Gugucha. "It's one man, one vote—once. Government by the majority tribe and then the minority tribes have no snowball's chance in hell of coming to power." Without exception, no Member of this body could possibly want to be responsible for condemning all South Africans to such a bleak and hopeless future. However, economic sanctions may well do precisely that.

Mr. Speaker, over the years I have warned proponents of economic sanctions against South Africa of the likely impact of such sanctions on South Africa, the neighboring African states, and on the United States. I have repeatedly cited black leaders in South Africa, such as Lucy Mvubelo of the black National Union of Clothing Workers and Chief Buthelezi of the Zulus, who genuinely believe that economic sanctions will only add to the unrest and violence, and will ultimately do more harm than good for the blacks in that country. Today I am again raising my concerns, this time citing a liberal member of the South African Parliament as my source.

Helen Suzman was first elected to the South African Parliament in 1953. As an opposition member of parliament, she has long been an articulate and outspoken critic of the Government's policy of apartheid. Although she is morally opposed to the system of apartheid, as am I, she warns:

> Those who believe that a quick fix is likely to follow the imposition of sanctions, and that the Pretoria regime will collapse within a short time thereafter, are sadly misinformed * * *. Far more likely is a retreat into a siege economy, more oppression and more violence.

Based on this fear, Mrs. Suzman concludes:

> Unpalatable as it may seem to the sanctions lobby, the most practicable way to get rid of apartheid and to achieve a nonracial democratic society in South Africa is through an expanding, flourishing economy.

In spite of the warnings from within South Africa, by pressing forward with economic sanctions against South Africa, we will again fall victim to the arrogant philosophy that "the U.S. Government knows what is best for your country despite what you might think otherwise." In the meantime, sanctions will surely reverse the progress that the Government of South Africa has recently made. This progress can be in part attributed to the positive example set by United States firms engaged in business in South Africa.

The American firms operating in South Africa stand in the vanguard of those who promote the continued advancement of the political and economic aspirations of all South Africans. Operating under the Sullivan principles, the majority of American firms have dedicated themselves to the dismantling of apartheid and the promotion of equal rights for nonwhite South Africans. To date, American firms have spent more than $140 million adding classrooms to schools, building health centers, awarding scholarships, and otherwise assisting their black employees.

For these very reasons, and in the face of warnings from a wide array of prominent South Africans, black and white, liberal and conservative, it remains a mystery to me why United States legislators still feel a need to take the moral high ground and impose severe sanctions against South Africa. Congress should carefully evaluate the action we are about to take before we realize Reverend Gugucha's ominous prediction that:

> As soon as the American people impose sanctions, they will pat themselves on the back and turn their attention to other trouble spots in the world, and blacks in South Africa will be left to pick up the pieces.

If you really want to vote your conscience today, do not vote in favor of punitive sanctions which are sure to bring pain and suffering to the very people we are trying to help. Instead, let's work together to bring about a positive and peaceful end to apartheid in South Africa. With determination, and serious consideration as to what will be in the best interest of the

people of South Africa, I am confident that we can work out a solution that we will not have to feel guilty and responsible for in the future. I urge my colleagues to oppose the Senate sanctions legislation.

Mr. Speaker, I submit for the RECORD a letter from Raymond J. Celada, senior specialist in American public law, CRS, Library of Congress.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBARY OF CONGRESS,
Washington, DC, September 10, 1986.

To: House Committee on Foreign Affairs; Subcommittee on Africa. Attn: Steve Weissman.

From: American Law Division.

Subject: Preemption of State and Local Laws by Federal Legislation Respecting South Africa.

Following our conversation earlier today, I discovered that one of my colleagues, Johnny Killian, previously prepared a paper on the above subject in connection with another South Africa sanctions bill. Although it is not dispositive of the present situation, it covers in detail the major points raised during our discussion, including our conclusion regarding the importance of the scope of the eventual federal law and statements made during its consideration. Although isolated statements made by individual members in the course of debate are not given much weight by the courts in determining congressional intent, statements by the chairman of the committee which reported the legislation are considered more persuasive of legislative intent. Accordingly, in light of Chairman Lugar's remarks of August 15, 1986, supportive of across-the-board preemption, and absent any probative contrary evidence a court holding in accord with that conclusion is not an unlikely eventuality. In the circumstances as you described them to me, your only recourse at this time is to fill House consideration of the Senate bill with as many corresponding statements by the chairman and leading spokespersons on South African sanctions and hope that these prove persuasive with the courts. The latter may not tilt the balance against preemption but, given the uncertainties that mine the legal landscape, it gives you a chance, to prevail.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. COATS].

Mr. COATS. Mr. Speaker, I rise in support of the bill that is before us today. I think it is a sensible and workable compromise of a very difficult and divisive issue before this Congress. There is no doubt in my mind that the House version went much too far. While disinvestment may have sent the right message, it is the wrong remedy. It works against those that we are trying to help and I think for that reason alone it was good that we adopted the Senate proposal. The Senate proposal is superior because it imposes both sanctions and incentives. The incentives and sanctions work together to provide a carrot and stick approach that I think has the best chance of bringing about a workable solution to the problem that we face. The Senate version is sensible, workable, it recognizes the positive contributions that investment, United States investment in South Africa have brought toward the people of that country. The incentives provided in the legislation are directed toward those very necessary first steps that the South African Government must take to end apartheid and bring about needed reform. This carrot and stick approach is one that can pass Congress this session. It can impact positively on South African policy this year, and hopefully it is one that can bring about much-needed change in the South African Government.

Mr. Speaker, I yield back the balance of my time.

Mr. WOLPE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding.

I thank the Speaker.

Mr. Speaker, several weeks ago to the shock and surprise of many of our colleagues in the House, millions of American people around the country and, I might add, this gentleman, the author of the amendment in the nature of a substitute, the Congress of the United States in a voice vote passed it.

This gentleman suddenly found himself in a very interesting place, the winner of the floor of the Congress on a major issue of our time.

Now I came to the floor with no illusions, Mr. Speaker and Members of the House, and my distinguished colleagues. I thought that we would achieve a significant vote, but I did not come to the floor thinking that it would win; but only coming to the floor to try to fashion a solution, not that I thought that would pass the House of Representatives, be enacted by the Congress of the United States, signed into law by the President; but a bill that I thought would do the job, that is to bring South Africa to their senses.

But lo and behold, by some extraordinary fluke my colleagues found themselves stumbling into integrity, falling into principle and finding themselves on the correct side of history.

For that I thank all of them. But we now find ourselves confronted with a piece of legislation that has some substantial difference from that piece of legislation. I did not have any thought that it would pass, but my hope was that we could move back the fear barrier. Most of us as politicians operate in an incredible atmosphere of fear: "if I take this stance, will my constituents understand? If I take this position, will I be opposed in the next election? What will this do for my future?"

So in enacting what we did, we moved back the fear barrier. Many politicians and people around the country realized that out of idealism many things could happen. I think history would look back upon this moment and they will say that even though we are not at this moment confronted with the bill that we brought, because we had no illusion about the Senate enacting it, but our hope was to force the Senate to do more than they would normally have done. History will record that we were correct. But a number of things have moved around the country, including the great State of California, a conservative Republican Governor, about the business almost at this very moment of signing into law perhaps the most significant piece of divestiture legislation ever enacted by any State in this entire United States, I think as a direct result of what the House of Representatives did when the smoke cleared and this aggressive piece of legislation had indeed passed the House.

I would like to state clearly and unequivocally, Mr. Speaker, I am not happy about the legislation that comes to the floor.

□ 1130

I am concerned about the issue of preemption. I would have liked to see us go to conference and resolve that problem. I am not happy about the definition of new loans and new investments, that even watered down the version of the bill that was an alternative when our piece of legislation passed.

So there is not a great deal in this bill.

I took the different route. I said, why do we not go to conference and fight for a stronger bill and come up with a piece of legislation whose objective not was simply to pass a piece of paper. Our objective here is not ultimately to pass legislation, but to bring down apartheid in South Africa. And that what we do ought to always be evaluated against that backdrop. And if we believe in principle and integrity, that the legislation did not do that, then we should fight for something stronger.

But that position did not fail, Mr. Speaker. My colleagues felt, and I think it is a very important view, that Mr. Botha and Pretoria should not be able to celebrate as a result of no bill coming through, so that we should keep the momentum. It is out of that consensus that we find ourselves with the Senate bill.

We have now stated the House intent on the issue of preemption, so that is to some extent satisfying. We are now moving forward with some continued momentum of the issue of sanctions that brings us to this moment.

I would like to say that in January, if it is the will of our constituency, we will be back. We will fight again for a stronger piece of legislation, not

simply because our objective is to pass a piece of legislation, but to bring significant sanctions that will ultimately bring down apartheid because it is the greatest human rights issue of our time.

In conclusion, Mr. Chairman, I am willing to see this bill go forward, not because it is a satisfactory response to one of the most terrible situations on the face of this Earth, but it is the only thing that we have at this moment, and it ought to pass to keep the momentum going forward.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I cannot believe what I just heard, that apartheid is the greatest human rights violation and horrible atrocity of our time. What about communism? What about millions of people who are dying in Ethiopia as a result of communism? I do not understand why we do not talk about that once in a while, but we do not.

But apartheid is repugnant, and I am opposed to it just as your folks are. It should be changed.

But I think we are involved today in an orgy of self-righteousness that is going to hurt the very people that we purport to want to help.

Has anybody been listening? Six hundred thousand South African blacks are going to lose their jobs. They each feed a family of five. That is 3 million people who are going to be without sustenance. The African National Congress that you want to recognize is controlled by the Communists, and the Soviet Union gave them $8 million in weapons last year. They want violent revolution. Those 3 million people who will not be able to eat or survive without some kind of sustenance, a job, are going to be ripe for revolutionary talk in a very short time. We are playing right into the hands of the ANC and the South African Communist Party and the Soviet bloc.

They want South Africa because of its vital minerals, because it provides a mechanism to strangle the West. Ninety-nine percent of our manganese and 88 percent of our platinum comes from South Africa needed for industry and defense of this country, and yet we are playing right into their hands.

I talked to the Inkatha people in my office yesterday, 12 of them, and they said exactly what I just told you. Not me speaking, the people from the Zulu tribe in Inkatha, 1.3 million South African blacks. It is going to hurt them severely. It is going to hurt the very people we want to help. I do not know if anybody else was listening earlier, but it is going to hurt America, too.

We were elected to represent America. Think about that just a little bit. Ninety-nine percent of our manganese comes from there which is used for steel, which is used for automobiles, which is used for farm implements, things that are vital to industry and economic health in this country. Yet we are going to charge the American people more money for those implements, which is going to cause inflation and possibly a loss of jobs. And the only other place you can get those minerals in quantity is from, you guessed it, the Soviet Union.

What about our farmers? Did anybody hear that a while ago? Two point seven million metric tons of corn was purchased by South Africa 2 years ago. We cannot afford to lose more markets. Our farmers are in the tank right now. Yet we are going to cut off another market. The South African Government has bought more wheat this year than the Soviet Union has, and they are a cash buyer. Did you hear that?

You go home and explain that to your farmers, to your auto workers, to the people in industry, because it is going to come back to haunt us. People say they will sell us the vital minerals because the bill allows us to buy them. Only 5 percent of their exports are in those minerals. If we embargo the others, they are not going to give us those minerals, and it is going to come back to haunt the United States of America.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I recognize the fact that we have before this body this day a great policy dilemma, one that is difficult for all of us to see a clear way in, and certainly one which is difficult for all Americans. Certainly the impact of the decision made here today will have significant and far-reaching overtones, moral and political and otherwise, not just for this country but for nations around the world.

But as we deliberate this issue, I think there are some basic questions that we should keep in mind, and I would just like to suggest these to Members and perhaps we can think about them as we go through this debate.

The first is, are we giving any recognition to what appears to me to be a strong likelihood that economic sanctions will turn out to be a two-way street? That is when South Africa cuts off the sales of precious metals to the United States and those metals are available to no other country in the world except the Soviet Union. What do we do then. And can there be any question that the South Africans would not so retaliate. I think there cannot be such a question.

Second, Mr. Speaker, I would suggest that we should ask ourselves, do we have any understanding of the impact of sanctions on other nations in the southern African hemisphere? Now we know there are many employees of South African firms that come from Botswana, from Zimbabwe, from Zambia, from other places, even Mozambique. If our purpose is to force the collapse of that South African economy, and I do believe it is in spite of the protestations of that purpose, do we realize that it is going to take other nations down with it and the implications of those nations falling?

Third, Mr. Speaker, is there any recognition given to the progress made thus far, including the repeal of pass laws? Is there any understanding on our part of measures taken by South African businesses, both American and domestically-owned, to aid the cause of minorities, including application of the Sullivan principles?

Is there any concern about the apparent hypocrisy of our own self-righteous indignation about apartheid when we have not eliminated racism here in our own society? Or how about the irony in this congressionally suggested foreign policy of making great efforts to achieve friendly relations, for example, with Red China while bashing a long-term reliable ally, South Africa.

It seems to me, Mr. Speaker, that these are questions we should have foremost in our minds as we embark upon this debate, and that we would serve our purpose of policy in this country far better by striving to find ways to provide economic incentives for South Africa to help that country build up its economy and provide jobs for those who need them the most and social equality for those who are entitled to it, rather than tear down that economy as this kind of policy will eventually culminate in.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. SHUMWAY. I yield to the gentleman from the District of Columbia.

□ 1140

Mr. FAUNTROY. I thank the gentleman for yielding to me.

Mr. Speaker, the gentleman does raise serious questions. First, it is apparent that South Africa will respond by imposing sanctions on the neighboring front line nations. The question is what do we do about it.

The gentleman, I think, does know that the diamonds, the ferro-manganese, the platinum the precious metals that South Africa sells did not stop at the line of the border of South Africa. Those precious metals are available in all the front line nations. But they cannot produce and market them around the world because of the destabilization efforts of the South African

Government in bombing and murdering and destroying the trade routes which would allow them to move them out and reduce our dependency upon this racist regime alone for these precious metals.

We ought to think in terms of a supplemental program that would assist the front line nations not only in developing their trade and developing routes, but also in bringing the technology and human resources to extract from the soil those same resources which we so vitally need.

Mr. BROOMFIELD. Mr. Speaker, I yield 30 additional seconds to the gentleman from California [Mr. SHUMWAY] to respond.

Mr. SHUMWAY. I thank the gentleman for the additional time.

Mr. Speaker, I appreciate the gentleman's suggestion and I really think that it goes hand-in-hand with the idea that I expressed in conclusion. That is we should be seeking ways to build up our neighbors and allies in South Africa not to bash them by trying to bring ruin and devastation to their economy.

I made no reference to diamonds but I did feel very strongly about those rare metals that we do obtain from South Africa. We have heard time and again from good authority that if we do not buy them from that nation they are only available from one other source and that is a source that we do not want to trade with. I think therefore that we need to keep that particular effect of sanctions in mind as we go ahead with this debate.

Mr. WOLPE. Mr. Speaker, I yield 4½ minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. I thank the gentleman for yielding me this time.

Mr. Speaker, I doubt in the short run that this bill will bring an end to the killing in South Africa. I rather doubt that it will result in the abolition of apartheid. I rather doubt that it will lead to the release of the political prisoners in that country, and I rather doubt that it will produce negotiations between the Government of South Africa and the legitimate black leadership of the nation.

The sad truth is that the situation in South Africa is likely to get much worse before it gets much better. But what this bill will do is to make it clear that the United States is on the side of change rather than the status quo. That the United States is not prepared to continue doing business as usual with the apartheid regime in South Africa. That the United States is willing to join with the commonwealth and with the European community and with other industrialized nations around the world in applying additional economic pressure to the racist regime in Pretoria.

This bill will make it clear that the United States has finally abandoned the policy of constructive engagement and replaced it with a new policy of constructive engagement in which we make it clear by deed as well as by word that we are opposed to the apartheid regime in South Africa.

For better or for worse, rightly or wrongly, a situation now exists where our willingness to impose sanctions against South Africa has become the litmus test of the sincerity of our opposition to apartheid. Without the adoption of this legislation, our rhetorical denunciations of apartheid will ring increasingly hollow.

Furthermore, even if this bill is unlikely to facilitate real change in South Africa in the short run, its adoption is critical if apartheid is going to be abolished in the long run. In the absence of increasing internal and international pressure, the incentives for the Government of South Africa to abolish the apartheid would be de minimis. In this sense, I would recall the words of the ancient negro spiritual, "God gave Noah the rainbow sign, no more water, the fine next time."

I fear that in the absence of legislation like this the accumulated rage and resentment and repression in South Africa will produce a fire that will consume that entire country, the region in which it exists, and perhaps even the world. So I believe that the adoption of this legislation may well be the last, best hope for peaceful change in South Africa.

Those who oppose the bill say that it would hurt the very people that we want to help. I think this is a serious and significant argument. I want to say this morning that if in fact I believe that the black leadership of South Africa were opposed to this legislation, I would vote against it myself. But the fact of the matter is that virtually all of the recognized black leaders of that country are in favor of additional economic pressure against South Africa.

Nelson Mandela favors increased sanctions against South Africa, so does Oliver Tambo, so does the Bishop Tutu, so does Reverend Bosack, so does Dr. Matwana and the Committee of Ten in Soweto, and Cosato and Cusa, the two largest federations of black trade unions in South Africa which represent the overwhelming majority of organized black labor in that country are on record in favor of additional sanctions as well.

The United Democratic Front which represents 700 organizations and over 2 million blacks in South Africa is strongly in favor of increased economic pressure against the Government of South Africa. In view of the fact that the black leadership of South Africa and the black people of South Africa are asking us to impose sanctions against their government and against their country in order to facilitate the abolition of apartheid, I say that it would be politically cynical and morally presumptious for us to take the position that we know what is in the best interests of the black people of South Africa better than they do themselves.

I say that by voting for this legislation we will be keeping faith with the black majority whom we say we want to help in South Africa, and so I call for the adoption of this bill today.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to compliment the chairmen on both sides. I think that this is a bipartisan foreign policy issue and that there has been a healthy debate over the years on sanctions against South Africa and apartheid. I was an original cosponsor of Congressman GRAY's bill when we introduced the first bill to implement sanctions with regard to apartheid.

I have been to Africa and I do not claim to be an African expert in foreign policy, but I think, in terms of human justice, it is reprehensible that 28 million black people in Africa do not have the right to vote and do not have the right to move around Africa or anywhere else in the world.

I think apartheid is a major human rights issue. I suggest to some people who think that communism is equally as bad how very important it is that the United States takes the right position as a moral leader of the world on moral issues. I suggest that the African nations will look some day to the West or to the East and decide who has been a supporter in terms of constructive policy and who has worked with the African leaders on the economic, social, political, and cultural development of this Nation and this world.

I think the President's policy on constructive engagement really has not worked. I also believe that the Sullivan code is not enough either. I have met with Dr. Sullivan, I know him quite well and I have studied the Sullivan code. I think that is a step in the right direction. In conclusion, I also think this bill is a step in the right direction. I am sure we have more to do, but I ask the President, in all of my humble experience as a Member of this Congress for 10 years, to consider this bill carefully and to look at it favorably. I hope that he has the courage and conviction to say that we should change our foreign policy and support the sanctions issue here. The embodiment of some sanctions that are not that difficult to adhere to hopefully will improve the situation and will abolish apartheid.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ZSCHAU].

Mr. ZSCHAU. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this Anti-Apartheid Act of 1986 passed by the other body on August 15.

Last year, about this time, this body passed the conference report on H.R. 1460. It never became law, but some of its provisions, in fact, most of its provisions were implemented by the President by Executive order.

□ 1150

It was important that we did that last year because it made clear our abhorrence of the policy of apartheid, and that we were willing to back up our talk with actions. It was also important because it began to put pressure on the Government of South Africa.

We agreed at that time that we would monitor the situation and base future action on what occurred in the intervening period. Although there have been some small steps taken to improve the situation, on balance the situation has deteriorated dramatically. Stronger action is necessary, and we must take that action now. This legislation increases the pressure. It is that stronger action that we should be taking.

But I believe it is a balanced approach. It imposes greater pressure on the Government of South Africa. It has some positive measures to help the lives of blacks in South Africa, and it retains the possibility of United States firms that are Sullivan code-compliant to continue to do work there, to not only help in the lives of South Africans but also to set an example for others.

I believe we should continue to monitor the situation, and those provisions for monitoring are contained in this legislation. Specific objectives are set out. In addition, we should seek the support of other nations around the world to join with us in these stronger actions taken to put pressure on the Government of South Africa in a balanced and responsible way in order to bring an end to apartheid.

Mr. WOLPE. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding this time to me, and I congratulate him on this compromise.

I want to assure all my friends that women do not want those diamonds from South Africa. We would rather wear our fake diamonds.

Mr. Speaker, apartheid is the equivalent of nazism. The former Prime Minister, Dr. Verwoerd, the "architect of apartheid," said, and I quote: "Any further admission of Jews into South Africa will lead to the defiling of our white race."

There is strong evidence that these laws in South Africa were derived from the Nazi Nuremberg Laws. If you look at them, you will see that the race laws of South Africa prevent the nonwhite races from interbreeding; inhibition and limitations with regard to nonwhite races from employing or giving orders to whites; and the laws which deprive the nonwhite races of citizenship and of political rights and most civil rights in this land which is devoid of human rights.

The least we should be doing, Mr. Speaker, is passing this legislation.

Mr. BROOMFIELD. Mr. Speaker, I yield 1½ minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise in support of the bill before us, and I would take the time to ask a few simple questions.

Should our country bar trade with and take the profit out of apartheid? Yes. Support the bill.

Should we in the Congress stand mute and allow this administration to continue its policy of so-called constructive engagement? No. The record clearly shows that this administration will continue to honor the economic contract with South Africa while ignoring the moral contract with its citizens. Support the bill.

Will the policy of sanctions outlined in this bill be imposed without risk or pain? Of course not. But inaction is more risky to America and to South Africa and, in the long run, more painful to both. Support the bill.

Finally, unlike most Members, I grew up on a farm in the deep South during the fifties and saw a great region and a decent people attempt to finesse and temporize the horror of apartheid, using all the economic arguments and seemingly practical arguments utilized by the Government of South Africa and this administration. From personal experience I can tell you there is no turning back, no temporizing. We cannot knowingly continue to do businss with a nation that treats a majority of its citizens like animals. Support the bill.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I rise in support of the bill, but I think it needs to be understood that those of us who are supporting this bill come from different perspectives on it from time to time.

I rise in support of a unified, coordinated, and comprehensive approach to foreign policy toward South Africa. That is what is contained in the bill that was brought to us by the other body.

The other body's specific intent in that bill was to keep the rest of the country; namely, State and local governments, and so on, from formulating their own foreign policy. Rather, their intent was to bring our whole foreign policy together in a coordinated kind of effort.

I think that is right. I think as this Nation expresses itself to the world, we ought to do it through the voices of the elected Representatives of this Congress, and that is the intent of the bill that we have before us. Many of us who support that bill are in fact supporting that approach to the foreign policy of this Nation, and I think it is extremely important that we understand that that is our intent.

Mr. GRAY of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. DIXON). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

The Chair wishes to state that the gentleman from Michigan [Mr. BROOMFIELD] and the gentleman from Michigan [Mr. WOLPE] both have 6 minutes remaining.

Mr. WOLPE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. MITCHELL].

Mr. MITCHELL. Mr. Speaker, as a citizen of a nation born in revolution, as America was—we tend to forget that—I am proud to be a supporter of this legislation.

In 1960, when America came to grips with the ugly racism in this Nation, whether we liked it or not, whether we wanted to or not, we assumed the moral leadership of the world on the issue of a color bar, and it is for that reason, and that reason only, that nations around the world were puzzled and hurt and pained and disillusioned when our Government by word and deed supported the racist regime in South Africa and thereby kept millions of black people living out their lives in humiliation and degradation.

Is it any wonder that those black men and women in South Africa raised the question: How many years can a mountain exist before it is washed to the sea? How many years can some people exist before they are allowed to be free?

Mr. Speaker, these are the waning days for me in this Congress, and I feel proud of the action that this House will take. I will respect you forever for it, and I will respect you when you override the Presidential veto of this legislation.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

Very little mention has been made today of what the President's position is. He has stated continually that he is diametrically opposed to apartheid, but he believes that if we pull stakes and run, we are going to end up hurting the people we want to help very se-

verely. He thinks we should stay in there and work and not cut and run, as he has said in the past.

One of his quotes is this: "If postapartheid South Africa is to remain the economic locomotive of southern Africa, its strong and developed economy must not be crippled. Therefore," he said, "I urge the Congress and the countries of Western Europe to resist this emotional clamor for punitive sanctions."

And make no mistake about it, the South African sanctions contained in the Senate bill are punitive. For example, the Senate bill, as I said before, will ban the import into the United States of South African agricultural commodities and products. The impact on black employment in the agricultural area alone will be 446,000 jobs.

Banning the import into the United States of South African coal, iron and steel will have an impact on blacks of 145,000 jobs. The impact on the people that it will feed is 725,000 workers and their families. It is 2.2 million from agriculture alone, and we are not mentioning the other areas that are connected with those industries. The bottom line is that more than 600,000 jobs will be lost, and the livelihoods of more than 3 million blacks will be affected.

As I said before, we are playing right into the hands of the South African Communist Party. The African National Congress is controlled by the Communists, and I believe we are setting the stage for a major, major disaster in South Africa by the actions we are taking here today.

□ 1200

Mr. Speaker, I urge my colleagues to reconsider their actions. I know this thing is on rails and it is probably going to pass overwhelmingly, but I wish you would really think of the ramifications to the people we are trying to help and to the people of the United States as well.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, on June 18, I stood in this well and pleaded with my colleagues to support disinvestment as the last best hope to avoid a potential bloodbath in South Africa. Shortly after that speech, I put my money where my mouth is. I divested my portfolio of all stock of any company doing business in South Africa and, Mr. Speaker, it is going to be a hell of an expense, too.

Today we have an opportunity to vote for a Senate package that does not go far enough, but it is another step forward. I would prefer that today's vote be on sending a disinvestment package to the President, but that is not the reality. But we do have a sanctions package that puts the weight of this great country behind the effort to eliminate the evil and immoral system of apartheid. Sanctions hurt, you bet they hurt. But apartheid kills, and black leaders throughout Africa—including Archbishop Tutu, the United Democratic Front, and others—are calling for sanctions as the last defense against a holocaust of profound proportion in South Africa.

I urge my colleagues to vote for this bill, and I also urge that others join me in taking their own actions to convey their total opposition to apartheid by divesting stock they may hold.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, and my colleagues, on Thanksgiving evening in 1984 I took an action, together with a couple colleagues, Randall Robinson and Mary Francis Berry, that was a tribute to the wisdom of the Founding Fathers. They recognized that there might come times in the course of our democracy when the body politic might not respond to the legitimate concerns of even one citizen, so they guaranteed to us the right of peaceful assembly to petition the government for addressing grievances. When we have done that effectively in this country, it has done two things. It has raised consciousness and it has pricked the consciousness of the American people to take action.

I want to thank you all for responding to the legitimate concerns of millions of Americans, that we come down on the right side of this issue.

I urge, therefore, support for this measure, albeit weaker than that which ought to be done, as another step toward the elimination of this heinous system of apartheid in South Africa.

We in the Congressional Black Caucus look forward in the next Congress to providing other alternatives to strengthen the will of the coalition of consciousness around this world that this issue and this system be dismantled.

I thank the gentleman for yielding 1 minute of his precious time.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I rise today in strong support of the Senate's amended version of H.R. 4868.

Though this measure is not strong enough and not as strong as I would prefer, it is a step forward. The values of our country which we should seek to express in our policy toward South Africa are equality, freedom and justice for all men and women.

South Africa's brutal system of apartheid threatens the very core of those values. Racism is in direct conflict with these basic values. It is an evil which we have fought long and hard to rid ourselves of in this country, and as has been said before, we are still fighting it in this country and to be true to those values here at home we must be true to those values throughout the world.

The Government of South Africa is intent on continuing its practice of organized racism. A country like the United States, whose Constitution is based on equality for all cannot subject itself to continuing a relationship as usual with such system. By not having a strong, well defined policy with regard to South Africa, we are in effect, condoning that country's racist behavior.

The President's Executive order does little more than dance around the issue. Since the order was issued last year, Pretoria has stepped up its intimidation of the black population in South Africa. People are taken from their homes for no reason at all. Many families have no idea where their loved ones are, or even if they are alive. Hundreds are tortured and brutally killed. In light of this increase in violence, it is unconscionable that the President would reissue his same do-nothing policy.

What does the President think his Executive order accomplishes? It surely does not express this country's values, and obviously has not put enough pressure on South Africa to force that country to abandon its racist practices.

Unlike the President's weak policy the Senate measure will raise the cost of South Africa practicing its policy of apartheid. It must be made clear, that the United States abhors apartheid and that if South Africa continues to practice these policies, they will totally alienate the rest of the world.

Again, this measure before us today is not as strong as I would prefer. However, the provisions contained in the Senate version would let Pretoria know, that the United States is committed to the total elimination of apartheid. Approval of this measure will let South Africa, as well as the rest of the world know, that the United States is committed to upholding those values on which our country is based, equality for all of mankind.

It is not time, as the gentleman from Louisiana said, to temporize or rationalize. It is time to act. It is time to act now. Vote for this bill and vote against the override when and if it comes.

Mr. BROOMFIELD. Mr. Speaker, I think we have had a very good debate on this subject. I think the House is obviously prepared to vote.

I want to indicate that my understanding from a phone call this morning from the White House is that the President does not like the bill in its present form. It is a clear signal, at least to me, this gentleman from

Michigan, that he intends to veto the bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I am glad to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise in strong support of the pending motion, a motion to agree to the Senate amendments to the bill and sending the South African sanctions legislation to the President without the possible delay of a House-Senate conference.

Mr. Speaker, the South African Government simply must be placed on notice that it cannot expect to carry on "business as usual" with the American people while a state of emergency continues and scant progress is made in the move toward powersharing in that country. This bill sends a strong signal reflecting the attitude of the American people toward the system now in place in South Africa. Just as we have sanctions in place against Nicaragua and the Soviet Union, against Syria and Iran, we should exercise this peaceful weapon of economic sanctions as a means of attempting to influence the policies of another nation.

These sanctions include termination of the South African Airlines' landing rights, prohibiting importation of materials from South African Government-owned or controlled corporations, banking the importation of textiles, uranium, iron and steel, coal, and agricultural products. It bars new United States loans to South African businesses—except those owned by black South Africans. In addition to other important sanctions, it states that United States policy will be to impose more sanctions if South Africa does not make substantial progress toward ending apartheid in a year.

Mr. Speaker, this is a balanced, thoughtful piece of legislation.

A conference might result in some marginal improvements, but they would not be of any critical nature. It is important to take the opportunity presented to us to pass this bill now, without further delay. Accordingly, now, I urge my colleagues to vote in favor of the motion now pending.

Mr. BROOMFIELD. Mr. Speaker, I am sure, regardless of what happens today, we hope this bill does pass and it will do something to improve the situation in South Africa and that everyone will be much better off for it.

Mr. WOLPE. Mr. Speaker, to close the debate, I yield such time as he may consume to our distinguished Speaker, the gentleman from Massachusetts [Mr. O'NEILL].

Mr. O'NEILL. Mr. Speaker, I rise in support of the motion.

Today, the House considers a vital matter of American purpose. Ever since World War II, our great country has offered itself as a force for freedom and independence in the world. We have opposed communism, and, at the same time, we have supported the end of European colonialism. We have fostered a third alternative, the alternative we enjoy here in America, the alternative of freedom and human liberty.

Today, we in the House vote on a measure that breathes life into our historic commitment to American values. We send to the President of the United States a document that clarifies our values, but, more than that, our determination to uphold these values.

Six years ago, this administration embarked on a new approach to South Africa. Rejecting the previous policy of public condemnation, it offered the carrot of constructive engagement. South Africa took the carrot, applauded the new administration's policy, and insisted on the right of that county's whites to monopolize supreme power over 22 million of its black citizens.

Constructive engagement, this policy of offering American sympathy to the government in Pretoria, has been a failure. After 6 years of failure, in my opinion it is time to abolish that policy. It is one thing to experiment. That might be forgivable in the eyes of history. What is not forgivable is to continue with a policy that has proven itself a failure, morally as well as politically.

President Reagan has a unique opportunity in the next few days to serve as a champion of freedom. He has a chance to make it clear that this great country of ours is willing to once again pay the price of freedom. We are willing to sacrifice short-term economic gain to support our long-term values. We are willing to tell our brothers in South Africa, black and white and Asian, that our bill of rights is not only alive in this country, but a valued treasure for all humanity.

As an American, I hope our President will not veto this bill and will join the Congress of the United States in listening to the call from the millions of Americans in the towns and cities of our country to sign the sanctions bill and send Pretoria and the world a message:

When it comes to basic human principles, Americans always stand together.

Mr. WOLPE. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, it is with mixed feelings that I consider the Senate bill on sanctions against South Africa. While my constituents and I would have rather be sending the Dellums disinvestment language to the President, the Senate bill we will be voting on today is a first step toward bringing reform to that nation.

The bill has several worthwhile provisions. It ends landing rights in this country for South African aircraft, prohibits most new investment in South Africa, and prohibits the import of uranium ore, coal, and steel coming from that nation. It also provides educational and housing assistance for black South Africans disadvantaged by apartheid.

Mr. Speaker, I will vote for today's bill, but with no strings attached as to whether this measure will preempt the authority of State and local municipalities to enact disinvestment legislation on South Africa. I encourage these entities to pull their investments from South Africa. While this Congress may not be able to pass disinvestment legislation this year, there is no reason for us to preempt those legislative bodies that can.

We have not heard the last on this issue. While we will almost certainly be considering an override in the next few weeks, I am hoping that the 100th Congress will bring about new pressure on the other body to approve disinvestment. We must make the Pretoria government respect the rights of its black majority.

Mr. WOLPE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I rise in support of the bill.

Mr. GUNDERSON. Mr. Speaker, shortly after returning from my trip to South Africa in February 1985 this body began to debate and struggle with the important question of how the United States might be a constructive influence toward change in that country. Since that time, the situation in South Africa has deteriorated and grown increasingly violent, yet Congress has been unable to reach agreement on the issue of sanctions.

The question is out as to whether or not the United States can still make a difference in South Africa; whether the United States can still make a positive contribution to help to bring an end to apartheid and a renewal of peace.

However, in approving the measure before us today (H.R. 4868) we have an opportunity to speak with one voice in telling the people of South Africa and the world, that the citizens and Government of the United States disassociate themselves, clearly and without reservation, from the system of apartheid. In passing this bill, we will be passing a measure that can, and I am confident will, be signed into law. After 2 years of debate, we can finally signify to the merging and legitimate black majority population that America stands with them in their efforts to obtain justice.

The bill puts into permanent law all of the sanctions that President Reagan imposed on South Africa in his September 9, 1985 Executive order. Those were bans on: the importation of Krugerrands; the importation into the United States of arms, ammunition or military

vehicles made in South Africa; the export of computer software and related items to South Africa for use by Government agencies, such as the police; loans by United States banks to the Government of South Africa; and the export to South Africa of nuclear power equipment and supplies.

Additional sanctions are established in an attempt to achieve short-term objects, such as the lifting of the current state of emergency, and long term, broader objectives, including the creation of a truly democratic form of government. Among the sanctions are included: a ban on the import of South African textiles, uranium and uranium ore, iron and steel, coal, and agricultural products; a prohibition on any form of cooperation between United States Government agencies and South African armed forces; a ban on new United States loans to South African businesses, the Pretoria government or any entity it controls; no new investments in South Africa by American business; and termination of a 1947 air travel agreement between the United States and South Africa.

The bill reaffirms the U.S. commitment to help the victims of apartheid through direct financial aid and other efforts. Funds are included for education scholarships, housing, and human rights programs aimed at helping black South Africans help themselves overcome the weight of apartheid.

Sanctions can be waived if the South African Government undertakes five steps:

First, free African National Congress leader Nelson Mandela and all persons persecuted for their political beliefs or detained without trial;

Second, repeal the state of emergency and release all persons detained under it:

Third, legalize democratic political parties and permit all South Africans to join political parties, to express political opinions and participate in the political process;

Fourth, repeal the Group Areas Act and the Population Registration Act, which restrict where nonwhites live and work; and

Fifth, agree to enter into good-faith negotiations with truly representative black leaders without precondition.

While denouncing government violence perpetrated by Pretoria, we must also condemn acts of violence, such as the horrid "necklacing" carried out by black militants. H.R. 4868 calls on the African National Congress to strongly condemn these acts and take immediate action to bring a halt to this violence.

I am not so naive as to think that the passage of this bill guarantees an end to either apartheid, or the violence that has resulted from its enforcement. It is up to the people of South Africa, black and white, to bring about an end to the bloodshed and injustice plaguing their nation.

However, if our goal is to promote freedom and democracy throughout the world, and at a minimum establish communications with blacks in all of Africa; we cannot stand by and allow the 85 percent of the population in South Africa to be denied their similar rights to freedom and majority rule. I strongly urge my colleagues to join with me in supporting the passage of this bill, in the hope that we may best promote America's interests, the interests of the South African majority and the cause of peace.

Ms. MIKULSKI. Mr. Speaker, I rise to express my total opposition to apartheid and my support for complete United States divestment from South Africa.

In the past I called for the toughest sanctions against the apartheid regime. In May, the House paid heed to that call. I call for those sanctions again today.

It is most unfortunate that the President refuses to join the House of Representatives, the American people, and the Eminent Persons Group in expressing total abhorrence to apartheid. Apartheid enslaves black South Africans. It is evil. The United States will be an accessory to this evil until all ties are cut with the apartheid regime.

I continue to believe that we must send the strongest message possible to the South African regime that we oppose apartheid. I also believe that we must, as a nation, wait no longer to move decisively. It is unfortunate that the Senate package is the toughest sanctions bill we can pass and sustain over a veto.

The sanctions the President imposed last year have simply not done the job. We must send a stronger message. I urge my colleagues to accept the Senate amendments: a compromise, but a stronger message nonetheless.

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 4868. The provisions of this bill, although not as stringent as those originally passed by the House, will go a long way toward pressuring the South African Government to begin negotiating with recognized black leaders of that country to work toward a nonviolent resolution of the unconscionable political, economic and social structure of South Africa. Passage of this legislation is the least that we can do today. As Members of the U.S. Congress, we have been entrusted by the people of this Nation with a moral and political obligation to strive for equity and peace, not only in America, but throughout all regions of the world. It is far past the time for us to take decisive action to end the grossly unjust situation in South Africa.

There are many critical elements contained in H.R. 4868, but I will take time to point out one of the most important from the standpoint of West Virginia, the bill's ban on the importation of South African coal into the United States. In recent years, the amount of foreign coal entering this country has steadily increased. The infiltration of imported coal into domestic markets obviously displaces coal mining jobs in this country.

Leading the attack on coal field employment is South African coal which is produced under conditions very different than those maintained in this country. There are virtually no health and safety standards enforced in South African coal mines and the right of the primarily black miners to organize against the atrocious conditions they are forced to work in has consistently been denied. How can we not act against a system that not only submits its workers to inhumane and dangerous conditions, but also contributes to the unemployment and suffering of workers right here in America?

How can we not enact this legislation, as limited as it may be? How can we not do at least this, in an effort to help the downtrodden majority of South Africa reach a level of respect due all human beings? Our efforts heretofore have gone unheeded by those in power in South Africa. We have no course other than to pass this bill and stringently enforce its provisions. I urge its adoption.

Mr. BIAGGI. Mr. Speaker, as an original cosponsor of H.R. 4868, I rise in absolute support of this final version of this critically important legislation. If the Congress of the United States is going to take a stand on any foreign policy issue this year—and do so in a meaningful way—then it must take the kind of unequivocal stand against the evil of apartheid in South Africa that H.R. 4868 takes.

I would be the first to acknowledge that the bill before us today is not as strong as the House-passed version. I voted for that measure and stand by it. However, our objective in this process is to emerge with a final legislative product, not a one-House stand. The managers on the part of the House in the conference were able to negotiate from a position of strength because of the House vote in June.

The result is, we have not a compromise bill but a genuinely strong and viable piece of legislation to vote on today. The bill would provide for the following:

The bill would ban all new public and private sector loans or investments or other extensions of credit.

The bill bars the importation of uranium, coal, textiles, iron, steel, ammunition, military vehicles, agricultural products and food from South Africa. These bans would take effect immediately, except the uranium, coal and textile bans which take effect 90 days after enactment.

The bill would also ban any imports from South African state-owned companies, either directly or indirectly through third countries.

This bill bans the export of all crude oil petroleum products and munitions to South Africa. In addition, it would ban exports of computers, computer software and computer services to the South African military, police or other entities responsible for enforcing apartheid.

The bill terminates the air services agreement now in effect with South Africa and ends all South African landing rights in the United States.

The bill earmarks $40 million out of the Foreign Assistance Act economic support fund for assistance to South Africans disadvantaged by apartheid.

This legislation contains important penalties against those corporations which violate these sanctions. The absence of this provision would render this legislation meaningless in my judgment.

By enacting this measure, the United States is taking a strong stand. The message we convey is that we want no part of condoning the continued existence of apartheid in South Africa. We are able to exert genuine pressure to achieve peaceful change in this ravaged land. We must end our association with any elements who are in any way responsible for

apartheid. Apartheid is a policy as abhorrent as any system the world has ever seen. It is a policy which imposes permanent subjugation on a group of people, namely the black majority in South Africa.

Mr. Speaker, there have been more than 100 legislative measures introduced this Congress to, in some way, condemn and/or end the normally repugnant system of apartheid in South Africa. I have cosponsored a number of those measures, including House Resolution 373, which would urge the South African Government to engage in meaningful political negotiations with their black majority; and H.R. 1460, a bill that passed this body last year to impose economic sanctions on South Africa. Today's measure is the strongest action yet, and it deserves our strong support. Simply put, apartheid and the bloody civil unrest it is spawning cannot be tolerated and this legislation will do more than merely mouth that message.

Mr. DANNEMEYER. Mr. Speaker. South Africa's racial policy of apartheid has been under attack since its institutionalization in 1948. More recently, world moral indignation has escalated to calls for direct action; that is, disinvestment. It is presumed that compelling corporations, banks, and other investors to cease their business activities in South Africa will force an end to apartheid. This is wishful thinking, and dangerously naive.

On June 19, the House of Representatives passed by voice vote a radical sanctions bill introduced by Mr. RON DELLUMS; allowing it to succeed without a fight was a calculated gamble since opponents of sanctions believe that such an extreme measure would never pass the Senate or be signed by the President. Should the legislation become law, all United States companies owning interests in South Africa must divest themselves of those interests within 180 days.

It is estimated that some 300 American firms have $1.8 billion in direct investments in South Africa, producing $2.2 billion in annual trade. Were sanctions instituted, and they were only 20 percent effective, it is projected that 90,000 whites and 343,000 blacks would lose their jobs; if 50 percent effective, the total rises to 1.1 million South Africans who would be unemployed.

An alarming aspect of sanctions would be the potential prohibiting of the importation of strategic minerals vital to the United States, minerals vital to our basic economy as well as to our national defense effort. It has been estimated by some experts that the loss of these minerals might effectively result in forbidding the importation of foreign automobiles, repealing the Clean Air Act, and, of course, paying much higher prices for those minerals obtainable elsewhere. American imports from South Africa include: 56 percent of chromium, 33 percent of manganese (which is essential in the manufacture of tanks, ships, and aircraft), 67 percent of the platinum group minerals (which includes rhodium, used in making catalytic converters which all cars sold in the United States must possess), 67 percent of industrial diamonds, and 44 percent of ferrochromium (used in making stainless steel). In many of these groups, including manganese, platinum, and vanadium, the only other major source is the Soviet Union. The loss—or greatly increased cost of having to purchase elsewhere—of these minerals would severely impact those industries most reliant upon them, including aerospace and defense industries in California.

Moreover, we would be unable to export our products to South Africa, currently amounting to about $125 million annually, primarily in computers and other high-technology equipment. Fully 47 percent of all South African computer purchases is from the United States. Again, California would be hard hit.

The question is asked: Is it right to choose an economic argument over a moral one? Are jobs and economic growth in the United States more important than the freedom and human rights of blacks in South Africa? It is an easy question to ask, but an elusive one for proponents of sanctions to answer. What morality is inherent in disinvestment?

Polls taken among South African blacks indicate that between 68 and 74 percent oppose sanctions. Neighboring countries who rely on South Africa for between 50 and 100 percent of their electricity and for 40 to 70 percent of their trade would suffer with any decline in the South African economy. We should heed the lesson of Rhodesia/Zimbabwe. We applied sanctions against that nation 20 years ago because the white minority government refused to hand control over to blacks. Rhodesia subsequently fell and a black regime now rules. Unfortunately, Marxism has devastated the economy and the faction in power is intent upon destroying all political opposition. We find that, instead of freedom, there is widespread violence and bloodshed. Is this what we have to look forward to in South Africa? It is important to note that not all blacks oppose the existing Government's program of reform. The Zulus, led by their Chief Mangosuthu Buthelezi, are opposed to the radical African National Congress, which is heavily infiltrated and controlled by Communists. The ANC is a terrorist group trained in the Soviet Union, East Germany, Libya, and Angola, and which has received millions of dollars in aid from the PLO.

Progress toward ensuring human, economic, social, and political rights for all South Africans has been slow. But progress is being made: The hated pass laws were abolished this summer, the policy of forced resettlement has been revoked, more extensive voting rights are being negotiated, and spending on education for blacks has increased 600 percent since 1980. These are steps in the right direction. Of course, anything less than immediate change fails to satisfy promoters of revolution.

The United States has an option: We can make a stupid and counter-productive symbolic gesture which injures ourselves, fails to deliver on its promise of freedom, and plays directly into the hands of the Soviets; or we can help an ally solve very basic problems and seek a solution which maximizes common sense and genuine progress and minimizes carnage and catastrophe.

Mr. HOWARD. Mr. Speaker, I rise in support of the H.R. 4868, the Anti-Apartheid Act of 1986, before us today. This legislation is an important and necessary step in bringing about the abolition of the apartheid regime in South Africa.

I would like to bring to the attention of the House the portion of the bill over which the Committee on Public Works and Transportation has jurisdiction; that is, the section prohibiting South African aircraft from landing in the United States. I am pleased that the legislation on the floor today contains this provision, which is identical to the earlier House-passed bill.

This is an important provision of the legislation because air travel is a major means of commerce internationally, and if we intend to have an impact on the regime of apartheid, a sanction against convenient air travel from South Africa to the United States is crucial. Air travel is also a highly visible and symbolic means of commerce, so the significance of the sanction goes far beyond the economic value of the air service.

Again, it is most important that we send a strong message to the people and Government of South Africa that apartheid is abhorrent and unacceptable to the American people and that we expect changes in that Government's policies.

Again, I rise in support of the H.R. 4868 and urge it passage.

Mr. TALLON. Mr. Speaker, I rise once again to urge my colleagues to join me in strong support of legislation imposing sanctions on the white majority government of South Africa. This House now stands on the brink of historic legislation. Through H.R. 4868, the Anti-Apartheid Act, we will establish a national policy of opposition to South African racist governance by threat, violence and repression. One which defends essential democratic principles: the basic rights to vote and to participate on a one-person, one-vote basis in the National Government. We will establish a policy that puts us clearly on the side of change in South Africa.

H.R. 4868 would prohibit new United States business investment in South Africa, ban some imports, including steel and other products from corporations controlled by the Government, and deny landing rights in the United States to the Government-owned South Africa Airways, along with imposing a number of other restrictions aimed at the Government and its commercial enterprises.

H.R. 4868 threatens additional, stronger sanctions unless South Africa makes substantial progress within a year to end its apartheid system of racial segregation. The measure also provides for rescinding the sanctions if the South African Government takes steps such as lifting segregationist rules, freeing antiapartheid leader Nelson Mandela, legalizing all political parties and negotiating with black political leaders.

Importantly, this legislation allows States and local governments to continue to individually regulate financial or commercial activity with regard to South Africa. H.R. 4868 in no way preempts the efforts or decisions of State and local governments respecting South Africa.

These sanctions represent our first significant step to put moral force behind our rhetorical opposition to apartheid. If rhetoric would change the situation, the government would have long since folded, and there would be no apartheid today. But that has not happened. South Africa has continued its rule of institutionalized racism, sustained by United States companies.

The administration has come out quite soundly in support of the status quo in South Africa. Let us think for a moment what a status quo for South Africa means. Status quo in South Africa means repression of 22 million blacks who are deprived of the most basic rights such as the right to vote, to chose a job, an education or a place to live.

South Africa is the only nation on Earth that constitutionally enshrines racism by denying blacks the basic right to vote, the right to move about, freedom of association, equal protection under the law, virtually all of the constitutional freedoms that we know and cherish in this country.

Over the last 20 years some 3½ million blacks have been relocated by the Government, forcibly onto worthless patches of land. Eight million of them have been stripped of their citizenship. During the same period of time, U.S. investment has grown from about $150 million to a current combined direct and indirect investment of $14 billion. But as the American role has grown in South Africa, so has the tyranny of the South African Government.

Violence and Government repression have reached tragic new levels in South Africa. The news media carries daily reports of brutal and senseless attacks by the white government against the blacks of South Africa. We see blacks seeking political and humanitarian rights beaten and imprisoned. Meanwhile, the Government has prohibited almost all public dissent, closed opposition newspapers, and banned television and other press coverage of unrest and police actions.

Mr. Speaker, as the traditional leader of the free world, our Nation has to take a stand. H.R. 4868 puts us squarely behind liberty and equality. And this is in our own interest because I am certain that blacks in South Africa will inevitably come to power. As a nation, we must be at that time in a posture to be able to say that we were on the right side of this most important social justice issue. I hope my colleagues will join me in sending this message of U.S. support for peace and democracy. It is a message we can all be proud of.

Mr. FRENZEL. Mr. Speaker, this vote on sanctions is a terribly hard one for me.

Essentially, all of us abhor apartheid, and want to do what is reasonable to hasten the demise of the system.

Essentially, I do not like sanctions, either. I do not like them as policy and I believe they are almost invariably unsuccessful.

Also, I believe that the Senate bill, on which we vote today, like the original House bill, and unlike the Dellums version, has as much protectionism as idealism as its basis. The usual suspects, the coal industry, the steel industry, and the textile industry have managed to isolate and protect their commercial interests in the name of human rights.

I am also troubled about the emphasis on only 1 of the 150 countries in the world which do not offer the basic human right of the democratic franchise to their people.

Apartheid is noxious, but so are the systems of dozens of other countries, many of them on the same continent. Free elections are the exceptions in this world, not the rule.

Despite my distaste for sanctions, I must now yield to a stronger distaste for apartheid. The democratic traditions of this country are too strong. The United States is too important as a symbol of freedom.

I shall, therefore, vote for the conference report not because I think it will change the conduct of the Botha government, but because I must. There is, at this time, no other way to express the strong feelings that demand expression now.

Mr. KEMP. Mr. Speaker, in considering sanctions against South Africa, our foremost concern at this time must be how we can help the black people of South Africa to achieve a full political democracy which fully protects human rights and human dignity for all.

Apartheid, in every form must end and is demonstrably evil. Thanks to our American Declaration of Independence, we can all agree on that. But there are many persuasive voices who tell us that the only way to build a new society is to tear down the old. I disagree, violence does not beget peace. Nor does poverty beget prosperity.

It would be tempting to disregard the substance of this bill and to vote for it as a symbol, a gesture of solidarity with the oppressed minorities in South Africa. I believe it would also be, on balance, politically popular to do so and I know this bill will pass. I don't question motives, that would be easy to do, but wrong. Because the result of this bill, I believe, would be to hurt the prospects for the emergence of a just, peaceful, and free democratic society in South Africa.

We must hate evil with a divine hatred. But we should always keep in mind what we want to build—this is ultimately more important than what we are against. Yet I see no plan, for how punitive sanctions against the South African people will help build a democracy in which everyone has an equal opportunity and a society and economy in which everyone has a fair and free stake.

I want to join in devising such a plan. But I see no such plan connected in any way with this bill. I favor pressure in South Africa and have demonstrated by word and action my commitment to demolishing apartheid but I don't want anarchy and depression.

We do not build political democracy by tearing down economic opportunity. We do not improve the future for South African working people and their families by destroying their jobs. We do not improve the prospects for bringing the weight of world opinion to bear upon South Africa's unjust political system, by cutting that nation off from the rest of world society.

The way to help the people of South Africa is not to turn our back on the very principles which we proclaim as true not only for ourselves, but for all people everywhere—that human freedom, both political and economic, is the bedrock of political society. The future of the South African people will be best advanced through democratic self-determination, and free and growing economic opportunity, and I do favor a summit conference to help achieve that end.

I do not believe that the interests of the South African people, least of all South African blacks, are served by preventing new investment that creates jobs and increases their standard of living, as this bill would do. I do not believe that the people of South Africa are helped by prohibiting imports of any firm that receives any kind of Government subsidy. This would be equivalent to banning all agricultural products produced by American farmers although the bill hypocritically allows for subsidized grain sales to South Africa but not petroleum.

I can't believe it, but it's true.

I ask all people of good will on both sides of the aisle to join together in an effort to build up, not tear down. To be voices of reconciliation, not hatred. To bolster our natural love of human rights and human dignity which is in every conscience. Every person of good will can join in putting pressure for change toward observance of human right, but also in resisting pressure for violence and poverty. I agree that constructive employment is not enough, but we've sent signals, we are pressuring South Africa for an end to this evil.

I cast my vote against these ill-advised sanctions, and ask my colleagues that we begin together the vital work of reconstruction, reconciliation, and an end to racism in South Africa.

There are many of my colleagues and good friends who will not understand a vote against sanctions. I am profoundly sorry but I sincerely share the common goal of a summit conference on democratizing power, the release of Mandela, the repeal of the state of emergency, and repeal of the Group Areas and Population Registration Act. Let's eradicate apartheid not the economy.

Mrs. COLLINS. Mr. Speaker, I am not satisfied with the current form of the South African sanctions bill, H.R. 4868. I will, however, support it as a step in the right direction.

The racist Government of South Africa has again proven its moral bankruptcy. Two weeks ago, demonstrators peacefully assembled in protest, were gunned down by security forces. When the families of those victims attempted to mourn their dead, they were refused permission to hold funeral services. Those who defied this inhumane restriction were met by bullets and tear gas.

Can you imagine such barbarity? To have one's children shot down in cold blood and then not to be able to give them a decent funeral. The Afrikaner government even went so far as to secretly bury many of these victims without their families' knowledge. The parents were not even told the location of the graves! Weeping mothers must now walk, in anguish, from grave to grave in the hopes of finding the final resting place of their sons and daughters.

Nothing could be more heartless and brutal. Not only does Pretoria kill its opponents, but it also intensifies the mental anguish and emotional suffering of the victim's families. The United States cannot stand idle in the face of this barbarity.

Mr. Speaker, the bill before us today is not nearly as strong as it should be. The Dellums version, which the House passed earlier, would provide far greater measures with which to attack apartheid. It did not simply institute economic sanctions, but did so in a manner designed to encourage Pretoria to undertake peaceful change. The bill before us today is far less comprehensive. Nevertheless, it does represent a step in the right direction and I urge my colleagues to support it.

Finally, I want to address a few words to the South African regime. I warn them, here and now, do not take our action lightly. Americans are a tolerant people, but they cannot abide repression and brutality—they cling too dearly to the ideals of human justice. Pretoria, you have shown your true face to this Nation and the American people will not forget its ugly form. The time for change is now! Continue on your present course, Pretoria, and you will bring upon yourselves the full wrath of all freedom-loving people.

Mr. RICHARDSON. Mr. Speaker, I rise in support of the legislation being voted on today by the House. As a supporter of the House version of anti-apartheid legislation, I would have preferred to see stronger sanctions implemented. However, pragmatically, I understand that stronger sanctions might not have the legislative success which this version can hopefully attain. I feel that the imposition of effective sanctions is imperative at this time. The earlier passage of the strong House anti-apartheid bill has greatly facilitated the serious consideration of a sanctions bill. The version we have before us today would not, in all likelihood, be as strong as it is had the House not taken a dramatic stand on sweeping anti-apartheid actions. I commend all of the key players in the development of the anti-apartheid legislation.

I am pleased to see that some of the major House provisions are included in this version which we are considering today. One significant provision—vital to the people of New Mexico—bans the importation of South African uranium, coal, and steel into the United States. In 1985, South Africa exported 192 million dollars' worth of uranium, 117 million dollars' worth of steel and 44 million dollars' worth of coal into the United States. Despite the fact that our country has among the largest coal deposits in the world, we continue to increase our coal imports from South Africa, the leading importer of coal in the United States since 1980, coal imports from South Africa have more than doubled to over $27 million. In 1985, half of all of the coal imported into this country came from South Africa. This is at a time when 60,000 American coal miners are out of work.

Our uranium imports from South Africa and Namibia have increased 350 percent since 1981—at a time when the number of domestic uranium mines has dropped from 362 to a mere hand-full, and over 85 percent of our miners have lost their jobs. Since 1981, New Mexico alone has lost about 11,500 mining jobs—the largest decline was in the uranium ores subsector. The State's two remaining conventional uranium producers were forced to close their mines and mills in 1985, laying off hundreds of workers.

These statistics and lost jobs are not just indicators of the problems caused by foreign trade to industries in the United States. South Africa has been so successful at its exploitation of its mineral resources because it relies on exploitation of its population. Conditions for black miners reflect the adverse circumstances experienced by other blacks in South Africa. The labor conditions for black miners in South Africa and Namibia are frankly deplorable.

Black miners have virtually no job security. They must contract for a limited number of months and then reapply for their jobs. Black miners are not allowed to live with their families; white miners are. Black miners are prohibited by law from holding skilled labor positions. These slots are reserved for whites only. Black miners must pay for their health insurance; white miners receive free insurance. Black miners receive one-fifth of the wages of white miners—their low wage has artificially depressed the world price of uranium and coal, making U.S. coal and uranium less competitive.

This description of the status of black miners in South Africa is clearly a reflection of the greater oppression the entire black population in South Africa experiences. Since last year, when the House passed an anti-apartheid bill, the administration's policy of "constructive engagement," toward South Africa has clearly made no improvements in the situation there. Nowhere else in the world is the administration turning such a blind eye toward censorship, repression, and the implementation of a police state.

Congress has tried being patient. It has tried allowing the President to implement "constructive engagement" measures—the end result is that South Africa is now experiencing upheaval and violent turmoil which will likely result in a bloodbath. Since the administration is not willing to take active steps to force South Africa to democratize, to allow equal participation in all facets of life for all members of the society, Congress has no choice now but to once again pursue the course of sanctions. Sanctions are essential, and they are the only avenue left for the United States to pursue. We must act, and act immediately in order to salvage the region. The sanctions legislation we are considering today is a start—not only will it prove the United States to be against apartheid—but through provisions such as the one banning the importation of South African uranium, coal, and steel, we will be counteracting South African unfair foreign trade practices, and giving a much needed boost to American miners. Thank you.

Mr. WOLPE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DIXON). Pursuant to House Resolution 548, the previous question is considered as ordered.

The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] to concur in the Senate amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 308, nays 77, not voting 46, as follows:

[Roll No. 381]

YEAS—308

Akaka	Erdreich	Leath (TX)
Alexander	Evans (IA)	Lehman (CA)
Anderson	Evans (IL)	Lehman (FL)
Andrews	Fascell	Leland
Annunzio	Fawell	Lent
Anthony	Fazio	Levin (MI)
Applegate	Feighan	Levine (CA)
AuCoin	Fiedler	Lewis (CA)
Barnard	Fish	Lewis (FL)
Barnes	Flippo	Lightfoot
Bateman	Florio	Lipinski
Bates	Foglietta	Lloyd
Bedell	Foley	Long
Beilenson	Ford (MI)	Lowery (CA)
Bennett	Ford (TN)	Lowry (WA)
Bentley	Fowler	Lujan
Bereuter	Frank	Luken
Berman	Franklin	MacKay
Bevill	Frenzel	Madigan
Biaggi	Fuqua	Manton
Bliley	Gallo	Martin (IL)
Boehlert	Garcia	Martin (NY)
Boggs	Gaydos	Martinez
Boland	Gejdenson	Matsui
Bonior (MI)	Gekas	Mavroules
Bonker	Gibbons	Mazzoli
Borski	Gilman	McCain
Bosco	Gingrich	McCloskey
Broomfield	Glickman	McCurdy
Brown (CO)	Gonzalez	McGrath
Bruce	Goodling	McHugh
Bryant	Gordon	McKernan
Bustamante	Gradison	McMillan
Byron	Gray (IL)	Meyers
Carper	Gray (PA)	Mica
Carr	Green	Mikulski
Chandler	Gregg	Miller (CA)
Chapman	Guarini	Miller (WA)
Chappell	Gunderson	Mineta
Clay	Hall (OH)	Mitchell
Clinger	Hamilton	Moakley
Coats	Hatcher	Molinari
Coleman (MO)	Hawkins	Mollohan
Coleman (TX)	Hayes	Moody
Collins	Hefner	Morrison (CT)
Conte	Henry	Morrison (WA)
Conyers	Hertel	Murphy
Cooper	Hiler	Murtha
Coughlin	Hillis	Natcher
Courter	Hopkins	Neal
Coyne	Horton	Nelson
Darden	Howard	Nichols
Daschle	Hoyer	Nowak
Daub	Hubbard	Oakar
Davis	Hughes	Oberstar
de la Garza	Hutto	Obey
Dellums	Ireland	Olin
Derrick	Jacobs	Ortiz
DeWine	Jeffords	Panetta
Dicks	Jenkins	Pashayan
Dingell	Johnson	Pease
DioGuardi	Jones (NC)	Penny
Dixon	Jones (TN)	Perkins
Donnelly	Kanjorski	Petri
Dorgan (ND)	Kaptur	Pickle
Dowdy	Kasich	Price
Downey	Kastenmeier	Pursell
Duncan	Kennelly	Rahall
Durbin	Kildee	Ray
Dwyer	Kleczka	Regula
Dymally	Kolbe	Reid
Dyson	Kolter	Richardson
Eckart (OH)	Kostmayer	Ridge
Edgar	LaFalce	Rinaldo
Edwards (CA)	Lagomarsino	Roberts
Edwards (OK)	Lantos	Robinson
English	Leach (IA)	Rodino

Roe	Smith (IA)	Vucanovich
Roemer	Smith (NE)	Waldon
Rose	Smith (NJ)	Walgren
Rostenkowski	Snowe	Walker
Roukema	Solarz	Watkins
Rowland (CT)	Spratt	Waxman
Rowland (GA)	Staggers	Weaver
Roybal	Stallings	Weber
Russo	Stangeland	Weiss
Sabo	Stark	Wheat
Savage	Stokes	Whitley
Saxton	Studds	Whitten
Scheuer	Swift	Williams
Schneider	Tallon	Wilson
Schuette	Tauke	Wirth
Schulze	Tauzin	Wise
Schumer	Thomas (GA)	Wolf
Seiberling	Torres	Wolpe
Sensenbrenner	Torricelli	Wortley
Sharp	Traficant	Wyden
Shelby	Traxler	Wylie
Sikorski	Udall	Yates
Sisisky	Valentine	Yatron
Skelton	Vento	Young (MO)
Slattery	Visclosky	Zschau
Smith (FL)	Volkmer	

NAYS—77

Archer	Holt	Roth
Armey	Hunter	Schaefer
Badham	Hyde	Shaw
Bartlett	Kemp	Shumway
Barton	Kindness	Shuster
Bilirakis	Kramer	Siljander
Boulter	Latta	Skeen
Burton (IN)	Lott	Slaughter
Callahan	Lungren	Smith, Denny (OR)
Cheney	Mack	Smith, Robert (NH)
Cobey	Marlenee	Smith, Robert (OR)
Coble	McCandless	Solomon
Combest	McCollum	Spence
Craig	McEwen	Stenholm
Crane	Miller (OH)	Strang
Daniel	Monson	Stump
Dannemeyer	Montgomery	Sundquist
DeLay	Moorhead	Sweeney
Dickinson	Myers	Swindall
Dornan (CA)	Nielson	Taylor
Dreier	Oxley	Vander Jagt
Eckert (NY)	Packard	Whittaker
Emerson	Parris	Young (FL)
Fields	Porter	
Hall, Ralph	Quillen	
Hammerschmidt	Ritter	
Hendon	Rogers	

NOT VOTING—46

Ackerman	Frost	Owens
Aspin	Gephardt	Pepper
Atkins	Grotberg	Rangel
Boner (TN)	Hansen	Rudd
Boucher	Hartnett	Schroeder
Boxer	Huckaby	Snyder
Breaux	Jones (OK)	St Germain
Brooks	Livingston	Stratton
Brown (CA)	Loeffler	Synar
Burton (CA)	Lundine	Thomas (CA)
Campbell	Markey	Towns
Carney	McDade	Whitehurst
Chappie	McKinney	Wright
Coelho	Michel	Young (AK)
Crockett	Moore	
Early	Mrazek	

□ 1225

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. Hansen against.

Mr. McKinney for, with Mr. Loeffler against.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion just agreed to.

The SPEAKER pro tempore (Mr. DIXON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 548, House Resolution 549 is considered as having been adopted.

The text of House Resolution 549 is as follows:

Resolved, That in passing the bill, H.R. 4868, as amended by the Senate, it is not the intent of the House of Representatives that the bill limit, preempt, or affect, in any fashion, the authority of any State or local government or the District of Columbia or of any commonwealth, territory, or possession of the United States or political subdivision thereof to restrict or otherwise regulate any financial or commercial activity respecting South Africa.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unavoidably detained earlier today. Had I been present I would have voted "yes" on rollcall No. 379; and I would have voted "yes" on rollcall No 380 providing for consideration of the Senate amendment to H.R. 4868, the Anti-Apartheid Act of 1986.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5313, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS ACT 1987

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 532 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 532

Resolved, That during the consideration of the bill (H.R. 5313) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1987, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 8 through page 7, line 9; beginning on page 7, line 22 through page 9, line 11, beginning on page 10, line 1 through page 13, line 21; beginning on page 14, lines 13 through 16; beginning on page 15, line 21 through page 16, line 9; beginning on page 16, line 23 through page 18, line 4; beginning on page 18, line 10 through page 19, line 12; beginning on page 20, line 10 through page 25, line 3; beginning on page 26, line 1 through page 29, line 4; beginning on page 29, line 13 through page 33, line 8; beginning on page 35, line 20 through page 36, line 9; and beginning on page 39, line 7 through page 41, line 22. It shall be in order to consider an amendment to the bill printed in section two of this resolution, if offered by Representative Boland of Massachusetts, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived.

SEC. 2. On page 26, line 14, insert at the end of the sentence: ": *Provided further*, That of the funds appropriated under this heading, not to exceed $160,000,000 shall be provided for space station phase C/D development and such funds shall not be available for obligation until the enactment of a subsequent appropriations Act authorizing the obligation of such funds.".

The SPEAKER pro tempore. (Mr. ANTHONY). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 532 is the rule waiving certain points of order against consideration of H.R. 5313, the Department of Housing and Urban Development and independent agencies appropriations for fiscal year 1987.

Since general appropriation bills are privileged under the rules of the House, the rule does not provide for any special guidelines for the consideration of the bill. Provisions related to time for general debate are not included in the rule.

Customarily, Mr. Speaker, general debate time is limited by a unanimous-consent request by the chairman of the Appropriations Subcommittee prior to the consideration of the bill.

Mr. Speaker, the rule protects specified provisions of the bill against points of order for failure to comply with the provisions of clause 2 of rule XXI. Clause 2 of rule XXI prohibits unauthorized appropriations and legislative provisions in an appropriations bill. The specific provisions of the bill for which the waiver is provided are detailed in the rule by page and line.

Also, Mr. Speaker, the rule makes in order an amendment offered by Representative BOLAND of Massachusetts. The amendment is printed in section 2 of the rule. The rule waives points of order against the amendment under clause 2 of rule XXI which, as I stated earlier, prohibits the inclusion of unauthorized appropriations and legislation in general appropriation bills.

Mr. Speaker, H.R. 5313 contains $54.6 billion in new budget authority for the Department of Housing and Urban Development and for 17 independent agencies in fiscal year 1987. The bill would provide $13.2 billion to the Department of Housing and Urban Development, which includes $8.1 billion for the assisted housing programs—sufficient to provide for 98,000 units. The committee has appropriated $3 billion for community develop-

ment block grants, and $275 million for urban development action grants.

In addition to providing funding for HUD, this bill appropriates $26.1 billion for all of the programs of the Veterans' Administration. Of this total, the bill provides $14.4 billion for compensation and pensions, $9.5 billion for medical care and treatment, and $355 million for construction projects.

Finally, Mr. Speaker, H.R. 5313 appropriates funds for several other independent agencies including $34.5 million for the Consumer Product Safety Commission, $7.65 billion for NASA, and $1.6 billion for the National Science Foundation. The bill also would provide $1.2 billion for salaries, abatement and buildings for the Environmental Protection Agency and $2.4 billion for waste water grants administered by that agency.

Mr. Speaker, the rule would allow the House to fully consider the action of the Appropriations Committee on an important bill as we approach the beginning of the new fiscal year. I urge its adoption so that we can move expeditiously to consideration of the issues.

□ 1235

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, at the outset I would like to say that I support the rule in its present form. I want to advise the Membership, however, that there will be an effort made to defeat the previous question, which I do not support.

The purpose of the effort to defeat the previous question will be to make in order a line-item veto amendment which is only applicable to this bill. As much as I favor a line-item veto, it should be across the board and no individual appropriation should be singled out.

Mr. Speaker, this is an important measure, coming here on Friday in the closing days of this session, but there is no more important appropriation bill than this one appropriating for HUD and some independent agencies of this Government, including the Veterans' Administration and NASA.

We know how valuable the Veterans' Administration is to the veterans of this country, their health care and their well-being. Even though it is above the request of the administration, it will be possible to offer an amendment to reduce that amount. I support the rule. I support the measure. I urge a yes vote on the previous question.

Mr. Speaker, I do have two or three requests for time.

At this time, I yield 5 minutes to my friend, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding. I appreciate his generosity in giving me this time. I think it is reflective of the quality of people we have here that we are so generous in giving time to one another, even when we are in disagreement with each other.

Mr. Speaker, at the end of this debate when the previous question is moved, I will be asking for a recorded vote. Of course as the Members of this body approach that vote, they are going to wonder why somebody asked for a recorded vote in a manner that is not within our regular proceedings here.

The reason I do that, Mr. Speaker, is if I am successful, then, in defeating the previous question under the rules of the House I will be able to offer an amendment to the rule that will allow and protect against points of order, an amendment to the appropriations bill that will grant to the President a line-item veto authority.

I take this action not because I am disappointed in or lack any regard for the work done by the Appropriations Subcommittee on this HUD appropriations bill. I think it is very clear that we in this body must understand and appreciate the hard work and the sincere work done by the Appropriations Committee in fulfilling the limits of their 302(b) allocations, and even indeed in some cases going beyond.

The fact of the matter is we are about to close out a fiscal year with a $230 billion deficit despite what has been in effect good efforts of this body to control spending, the deficit stays out of control.

The American people have indicated in poll after poll that we must get this spending under control; and indeed, as you know, there have been efforts made on each appropriation bill that we have dealt with on this floor to amend the bill and reduce spending on a line item basis by Members of this body.

Some 26 amendments have been offered, and all but 2 or 3 have been voted down, giving us a clear indication that the body is not prepared to make these extra necessary cuts on a line item basis.

Realizing that, I hit upon the strategy to try then to give the President that authority which he requested in his State of the Union Message when he said, "Give me the authority to make the cuts; I'll take the heat."

If we cannot pass the cut amendments, we have got to pass the buck; but in one way or another, Mr. Speaker, we have got to gain control of this spending.

It is for that reason that I went to the Committee on Rules and requested, carrying with me a letter signed by over 90 Members of this body. I asked for a rule that would allow me to make this amendment to the HUD appropriations bill and I was denied.

Consequently, I am compelled, then, if I am to pursue this, to take this extraordinary action and ask the Members of this body to join me in voting no when the previous question is ordered; so that as we defeat the previous question, we can then bring that amendment to the floor and let the Members of this body work their will with an up or down vote that will allow line-item veto authority for the President of the United States.

I must remind the Members of the body that not only have the people of this Nation spoken in poll after poll about their concern about the spending, but they overwhelmingly support this kind of authority to be granted to the President.

I might also point out that in my peculiar amendment, we are by and large replicating the language of the Budget Impoundment Control Act of 1974 where indeed this kind of authority did exist for the President where, if indeed this body does not approve of his specific line item cuts, they can override him with a 50-percent or majority veto.

So it does not have the stringent two-thirds requirement of the regular veto power. We have given this body every opportunity to work its will, we ask now for the opportunity to give the President the power and the authority to assist us in this difficult business of cutting spending, while reserving for us in this body the right to override.

Finally, Mr. Speaker, I ask the Members of the body to vote no on the previous question.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I rise in support of the rule and in support of the bill, which this rule makes in order, H.R. 5313, the HUD-independent agencies appropriations bill for 1987.

In particular, I want to applaud the efforts of the gentleman from Massachusetts, Chairman BOLAND, and the gentleman from New York [Mr. GREEN], the ranking minority member of this Subcommittee on Appropriations as they relate to the housing and community development sections of the bill.

These programs fall under the authorization of the Committee on Banking, and I have had an opportunity to discuss the bill with both of these gentlemen, and think they have done a good job.

This past June, the House considered H.R. 1, the Housing Act of 1986. As an alternative to that, I offered a substitute, H.R. 4756, which I believe was a balanced, well-rounded legislative approach which stayed within the bounds of reality as dictated by the rather substantial budget deficit that we now face.

Although at that time I did not receive a majority of the Members votes

in support of my substitute, I am pleased to see the HUD appropriations figures before us today for assisted housing do reflect the cornerstone of that substitute which I offered at that time.

□ 1245

That is a belief that it is necessary to set a new standard of priorities in order to provide the greatest amount of assistance for the least amount of money, or the amount of money which is realistically available for housing. The primary example of this is the issue of new construction units versus modernization of existing public housing units. In this regard the appropriations bill does provide no appropriation for new public housing units with the agreed-upon exception of Indian housing units.

The primary example of this is the issue of new construction units versus modernization of existing public housing units. In this regard, the appropriations bill provides no appropriation for new public housing units with the agreed upon exception of Indian public housing units. Such funds that would have gone to new construction have been used to increase funding for the public housing modernization program. This reflects a significant redirection in Federal housing policy and is consistent with the Bartlett amendment which overwhelmingly passed the House during consideration of H.R. 1.

Finally, for assisted housing the appropriations bill reflects the administration's request for 50,000 housing vouchers. Housing vouchers can be the key to alleviating some of the problems associated with low-income housing assistance at a much less expensive and faster rate than costly production programs.

The appropriations bill also contains credit limits of $80 billion for FHA and $132.5 billion for GNMA. In view of this past years FHA activity and a continued decline in mortgage rates I fear that the 1987 FHA credit limit of $80 billion will not be enough. I believe the level should be $100 billion and I will support efforts to raise the FHA figure to that level. I remind my colleagues these are credit limits only and do not represent increased Federal outlays. In fact, with regard to FHA we have negative outlays meaning that the Government collects receipts via premiums which technically reduces the deficit, rather than adding to the deficit.

The bottom line is that I hope the FHA credit limit contained in H.R. 5313 can be resolved so as not to repeat the fiscal year 1986 experience of having to increase the limit on two occasions. The lack of credit authority along with the short-term reauthorizations of FHA, were very disruptive to the American homebuyer and the home finance industry in general, as I'm sure my colleagues remember.

Finally, although I am in general support of the appropriations bill, I do have some concern over certain authorizing language which amends a provision I added to the 1983 housing authorization bill. That provision prohibits rent controls from being placed on projects funded under the Rental Rehabilitation Grant Program, if rent control ordinances were put in effect after November 30, 1983. The language in H.R. 5313 would negate this anti-rent control language and allow rent controls to be placed on projects that are assisted through State programs where the amount of the State assistance exceeds the amount of assistance provided under the Rental Rehabilitation Program.

I understand that this language was included in the bill because the State of New York established a housing trust fund after passage of the 1983 housing bill. Instead of the State changing their statute to conform to the Federal rental rehab statute, the State sought relief by seeking to change the Federal statute.

Mr. Speaker, in view of the legislative history on the issue of rent control with regard to the Rental Rehabilitation Program I do not believe an appropriation bill is the proper vehicle to modify our previously established position. While I will not contest the provision at this time, I would hope that this issue could be deferred until the committee with authorizing jurisdiction has had an opportunity to conduct hearings and review the issue of rent control, as well as other issues, that may be raised with regard to multifamily rental housing by the pending tax reform legislation.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the gentleman.

Mr. Speaker, I probably will not take all of those 3 minutes. I appreciate having the time in order to discuss two amendments that I will be bringing to the HUD appropriations bill.

The first one will be a strict limitation that any of the funds so expended under title I be used specifically for domestic goods, products and services. It is, I guess, the buy-American clause. I think it is necessary. I am hoping for support on it.

One of the conditions will be that it will not be able to be offered until the conclusion of the bill in its entirety. At that particular time if the committee, in objection to these particular two amendments, would decide to rise, I would try to have the motion to rise defeated. I would prefer not to do that. This is Friday afternoon, people want to leave. I certainly do not want to belabor this House. But I would like to say this; I think it is high time when you have a situation where we are able to get $4.5 million for the Youngstown Metropolitan Housing Association to refurbish existing low-income housing and they buy heating radiators from Sweden and pipe from Sweden and an LTV pipe factory 5 miles down the road ends up closing, then there is something intrinsically wrong with the thinking of Congress.

I do not want to keep anybody here, but I want to bring this issue and the awareness of these dynamics to the floor of the House.

The second one deals specifically with a parochial issue that I think is of great interest. We have only a part-time outpatient veterans clinic in my district. We have been noticed and notified that they will close down. We have 125,000 veterans who will have to travel at least 60 to 80 miles on an average to get reasonable medical care.

I am going to ask that no money in this particular HUD appropriation bill be used to transport, transfer or transport any of the items or other equipment in that clinic out. I want your help. Our mills helped us when those bombs were flying in the Second World War, and now our people, many of them retired or veterans, now even are being denied these basic types of services.

I will not be able to offer these if the committee says "no." I do not want to have to fight the motion to rise. That is the dilemma that I am in. I am going to be asking for your help. I would appreciate those of you who would support them, hopefully we will not have to go to the term with a contested vote to approve these two amendments; that is not the case. I would hope that there would be that empathy in the House to consider these two issues and, with resolve, give a firm hand of support.

I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding. I rise to urge my colleagues, as did the gentleman from Texas, to vote "no" on the previous question so that we can grant the Members another opportunity to debate an issue long desired by the general population, by the public, by our constituents, by the President of the United States, by many Members of Congress and a debate on this issue which has never been granted us on the floor of this House, namely, the line item veto.

We deserve a chance to record our sentiments on this vital piece of budgetary discipline and budgetary theme which we have never had the opportunity to do before.

I myself am contemplating, in the pattern just outlined by the gentle-

man from Ohio in his concerns, that if we should lose, if the previous question is not defeated, later on when the time comes on the motion to have the committee rise, to oppose that motion and I hope to introduce my own version of a limited line-item veto which would occur within the confines of the HUD appropriation itself and not beyond, but which will break the ice, open the door for an eventual contemplation by this body of the entire structure of a line-item veto to be granted to the President of the United States.

The public wants scrutiny line by line, not only by the Congress but by the President of the United States, whoever he may be.

I might say that whatever we may do in the exercise of trying to promote the line-item veto may not inure to the benefit, if that is what you want to call it, of this current President.

So we are not simply interested in furthering Ronald Reagan's policies, we want this for budgetary control into the next century, whoever may be the President, whoever may have the right to exercise it.

So let us vote down the previous question, give the gentleman from Texas the right to bring the line-item veto within the context of this appropriation and, failing that, I will have to consider very strongly opposing the motion to rise later on to bring in this limited line-item veto that would pertain and obtain to HUD appropriations alone.

I thank the gentleman for the time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I rise in support of the rule and urge Members to vote for the previous question and for the rule. I think the HUD and independent agencies appropriation bill would be a particularly futile place to experiment with the line-item veto. The fact of the matter is that those parts of the HUD appropriation of which the President disapproves are well known to this House. The administration earlier this year sought to impound some of those funds and defer others. This House did not go along with that. We specifically overrode the deferrals. We allowed the impoundments to expire. It seems foolish to go through that same exercise again in another form, a form, in my opinion, of dubious constitutionality when the mechanism is there in the Budget Impoundment and Control Act of 1974.

It was used by the President. This House and this Congress overruled the President on those issues. You are only going to tie this appropriation bill into knots by going that route.

There are many important policy issues that have to be resolved in this appropriation bill, particularly issues relating to NASA. I think it would be a terrible mistake if we do something which will almost certainly force this bill into a continuing resolution and will destroy any hope we have that we can move forward with this bill without regard to the continuing resolution.

So I would urge my colleagues do not get us in that quagmire. Please vote for the previous question and for the rule.

Mr. QUILLEN. Mr. Speaker, I urge a "yes" vote on the rule, a "yes" vote on the previous question, and a "yes" vote on the bill itself. It is an important measure that we must pass soon if we are to avoid funding these agencies through a continuing resolution.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I rise in support of the Armey amendment, which can only be made if the previous question on the rule is defeated. I, therefore, urge a vote against the previous question when that vote occurs in the House of Representatives.

With all due respect to my good friend from New York, Mr. GREEN, it is about time that the Congress experimented, stuck its toe, a tiny bit, into the waters of fiscal responsibility, and gave this good idea of the line item veto a chance to work in a cost center which is small compared with our whole Government spending program.

The gentleman suggested that a vote for the Armey amendment would throw the bill into the continuing resolution.

I suggest that the bill is already in the continuing resolution, and it is going to take a miracle to handle it otherwise. Give us a chance to vote once on the line item veto in one small place, and give those Members of the House, who want to stand for fiscal responsibility, a chance to vote for it.

I urge a vote against the previous question.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, but I do want to just close debate, taking 1 minute to respond to some of the comments in opposition to ordering the previous question. However, I do want to pause briefly before that to express appreciation to the able gentleman from Texas for his courtesy in advising the committee of his intentions here today. We appreciate that very much.

Mr. Speaker, the gentleman urges the House to defeat the previous question so that he can offer an amendment to the rule to make in order a line-item veto amendment to the HUD appropriation.

I must note that the amendment of the gentleman from Texas is clearly legislative in character, and requires a waiver of clause 2 of rule XXI. I also have some doubt as to whether the amendment is germane.

Mr. Speaker, there are better, much better, vehicles than the HUD appropriation bill for rewriting the Budget Act or, for that matter, the Constitution.

The people of this country have elected the Members of Congress to write the laws, including appropriations. The Founding Fathers viewed legislative control of the power of the purse as one of the most important safeguards of liberty, and vested it in Congress absolutely in the Constitution. I don't know if we can give away a responsibility that 200 years of history have won for us. But I have no doubt that we should not, and especially not under these circumstances.

Mr. Speaker, this resolution and the rules of the House give each Member a right to offer an amendment to the spending numbers in the bill. If the gentleman from Texas or any other Member of this august body feels that any amounts in the bill are too high, his rights or her rights are protected by the rule.

Mr. Speaker, in concluding I urge the House to order the previous question and to adopt the resolution. I thank my friends on the other side, Mr. WYLIE, Mr. GREEN, and Mr. QUILLEN for supporting us in these efforts, and after yielding to the gentleman from Texas I will move the previous question.

Mr. ARMEY. I thank the gentleman for yielding.

I just want to clarify one point because I think it is an important point. We have researched our effort, we checked with the Parliamentarian. If we should defeat the previous question, then we will be offering not only an amendment the rule that allows an amendment to the bill but a protection waiver against rule XXI which is commonly given quite frequently by the Rules Committee, quite in conformity with that practice and which could have been granted to me and my 92 cosigners by the Rules Committee and was turned down. So I think we have covered these kinds of parliamentary bases. I appreciate the time of the gentleman.

Mr. BEILENSON. Mr. Speaker, I appreciate the clarification of the gentleman from Texas.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I would be happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

The gentleman is quite correct that this is not the best vehicle to rewrite the Budget Act or to set overall fiscal policy. The gentleman has done great work in this area, and I only wish that some of his ideas could have gotten

before us. While it is not the best vehicle, all the other vehicles are in a locked barn upon blocks with no air in their tires, their battery disconnected. This remains the only one in sight. I thank the gentleman for his good work on the Budget Act.

Mr. BEILENSON. We thank the gentleman for his kind comments. We understand that there are problems and frustrations which the gentleman has.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARMEY. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 137, not voting 68, as follows:

[Roll No. 382]

YEAS—226

Akaka	Dixon	Jones (NC)
Alexander	Donnelly	Jones (TN)
Anderson	Dowdy	Kanjorski
Andrews	Downey	Kaptur
Annunzio	Duncan	Kastenmeier
Anthony	Durbin	Kildee
Applegate	Dwyer	Kleczka
AuCoin	Dymally	Kolter
Barnard	Dyson	LaFalce
Barnes	Eckart (OH)	Lantos
Bates	Edgar	Leath (TX)
Bedell	Edwards (CA)	Lehman (CA)
Beilenson	Edwards (OK)	Lehman (FL)
Bennett	English	Leland
Bentley	Erdreich	Levin (MI)
Berman	Evans (IL)	Levine (CA)
Bevill	Fascell	Lewis (CA)
Biaggi	Fazio	Lipinski
Boehlert	Feighan	Lloyd
Boggs	Fish	Long
Boland	Flippo	Lowry (WA)
Bonior (MI)	Florio	Luken
Bonker	Foglietta	MacKay
Borski	Foley	Manton
Bosco	Ford (MI)	Matsui
Bruce	Frank	Mavroules
Bryant	Fuqua	McCloskey
Bustamante	Garcia	McCurdy
Byron	Gaydos	McGrath
Carper	Gejdenson	McHugh
Carr	Gilman	McMillan
Chapman	Glickman	Mica
Chappell	Gonzalez	Mikulski
Clay	Gordon	Miller (CA)
Coleman (MO)	Gray (IL)	Mineta
Coleman (TX)	Gray (PA)	Mitchell
Collins	Green	Molinari
Conte	Guarini	Mollohan
Conyers	Hall (OH)	Montgomery
Cooper	Hamilton	Moody
Coughlin	Hammerschmidt	Morrison (CT)
Coyne	Hatcher	Mrazek
Daniel	Hayes	Myers
Darden	Hefner	Natcher
Daschle	Horton	Neal
Davis	Howard	Nelson
de la Garza	Hoyer	Nichols
Dellums	Hubbard	Nowak
Derrick	Hughes	Oakar
Dicks	Hutto	Oberstar
Dingell	Jeffords	Obey
DioGuardi	Jenkins	Olin
Ortiz	Schulze	Valentine
Panetta	Schumer	Vento
Pashayan	Seiberling	Visclosky
Pease	Sikorski	Volkmer
Perkins	Sisisky	Waldon
Pickle	Skelton	Walgren
Price	Smith (FL)	Watkins
Quillen	Smith (IA)	Waxman
Rahall	Smith (NJ)	Weaver
Ray	Smith, Robert (OR)	Weiss
Reid	Solarz	Wheat
Richardson	Spratt	Whitley
Rinaldo	Staggers	Whitten
Robinson	Stallings	Williams
Rodino	Stenholm	Wilson
Roe	Stokes	Wirth
Rose	Studds	Wise
Rostenkowski	Swift	Wolpe
Roukema	Taylor	Wyden
Rowland (GA)	Thomas (GA)	Wylie
Russo	Torricelli	Yates
Sabo	Traficant	Yatron
Savage	Traxler	Young (MO)
Schneider		

NAYS—137

Archer	Hendon	Parris
Armey	Henry	Penny
Badham	Hertel	Petri
Bartlett	Hiler	Porter
Barton	Hillis	Pursell
Bateman	Holt	Regula
Bereuter	Hopkins	Ridge
Bilirakis	Hunter	Ritter
Bliley	Hyde	Roberts
Boulter	Ireland	Roemer
Broomfield	Jacobs	Rogers
Brown (CO)	Johnson	Roth
Burton (IN)	Kasich	Rowland (CT)
Callahan	Kindness	Saxton
Chandler	Kolbe	Schaefer
Cheney	Kostmayer	Sensenbrenner
Clinger	Kramer	Sharp
Coats	Lagomarsino	Shaw
Cobey	Latta	Shumway
Coble	Leach (IA)	Shuster
Combest	Lent	Skeen
Courter	Lewis (FL)	Slaughter
Craig	Lightfoot	Smith (NE)
Crane	Lott	Smith, Denny (OR)
Dannemeyer	Lowery (CA)	Smith, Robert (NH)
DeLay	Lujan	Snowe
DeWine	Lungren	Solomon
Dickinson	Madigan	Spence
Dorgan (ND)	Marlenee	Stangeland
Dornan (CA)	Martin (IL)	Strang
Dreier	Martin (NY)	Stump
Eckert (NY)	Mazzoli	Sundquist
Emerson	McCain	Sweeney
Evans (IA)	McCandless	Swindall
Fawell	McCollum	Tauke
Fiedler	McEwen	Tauzin
Fields	McKernan	Vander Jagt
Franklin	Meyers	Vucanovich
Frenzel	Miller (OH)	Walker
Gallo	Miller (WA)	Weber
Gekas	Monson	Whittaker
Gingrich	Moorhead	Wolf
Goodling	Morrison (WA)	Wortley
Gradison	Nielson	Young (FL)
Gunderson	Oxley	Zschau
Hall, Ralph	Packard	

NOT VOTING—68

Ackerman	Grotberg	Rangel
Aspin	Hansen	Roybal
Atkins	Hartnett	Rudd
Boner (TN)	Hawkins	Scheuer
Boucher	Huckaby	Schroeder
Boxer	Jones (OK)	Schuette
Breaux	Kemp	Shelby
Brooks	Kennelly	Siljander
Brown (CA)	Livingston	Slattery
Burton (CA)	Loeffler	Snyder
Campbell	Lundine	St Germain
Carney	Mack	Stark
Chappie	Markey	Stratton
Coelho	Martinez	Synar
Crockett	McDade	Tallon
Daub	McKinney	Thomas (CA)
Early	Michel	Torres
Ford (TN)	Moakley	Towns
Fowler	Moore	Udall
Frost	Murphy	Whitehurst
Gephardt	Murtha	Wright
Gibbons	Owens	Young (AK)
Gregg	Pepper	

□ 1310

The Clerk announced the following pairs:

On the note:

Mr. McDade for, with Mr. Daub against.

Mr. McKinney for, with Mr. Schuette against.

Mr. PURSELL and Mr. HERTEL of Michigan changed their votes from "yea" to "nay."

Messrs. WALGREN, WHEAT, and YATES changed their votes from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5313, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1987

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5313) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1987, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New York [Mr. GREEN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

□ 1320

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the

Whole House on the State of the Union for the consideration of the bill (H.R. 5313), with Mr. MACKAY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Massachusetts [Mr. BOLAND] will be recognized for 30 minutes, and the gentleman from New York [Mr. GREEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, I yield myself such time as I might require.

Mr. Chairman, we bring before the Committee today the 1987 appropriations bill for HUD and 17 independent agencies. It is a bill that has the unanimous support of the Subcommittee on HUD-Independent Agencies and the support of the full Committee on Appropriations.

I want to express my appreciation to all the members who serve on the subcommittee, particularly the ranking minority member, the gentleman from New York [Mr. GREEN]. His tireless efforts and constant attention at subcommittee meetings have made the job of all the members of this subcommittee a little easier.

May I also express my appreciation to all the Members on the majority side who have given me and the rest of the Members so much help.

Mr. Chairman, the bill this year totals $54,006,168,700. This amount is about $10.8 billion above the President's original 1987 budget request—with virtually all of that difference arising from assisted housing.

The recommended amount is some $4,141 million below the current 1986 level after Gramm-Rudman—the major difference being revenue sharing—for which no funds have been included in 1987. To date, that program has not been reauthorized.

This bill is within the subcommittee's section 302(b) allocation for both budget authority and outlays. It was a tight squeeze. There were some tough tradeoffs that had to be made to stay within those particular limits. But I think the bill we bring before you today is a fair bill, a balanced bill, and one the House will support.

And let me tell you why you should support it.

This bill, which totals $54,006,168,700, is about $5 million below the subcommittee's section 302(b) allocation.

The 1987 discretionary bill total of $38,895,848,700 is approximately $4 million below the subcommittee's section 302(b) allocation for discretionary accounts.

The 1987 bill total of $54,006,168,700 is $4,141,215,284 below the 1986 enacted level of $58,147,383,984.

The 1987 bill total of $54,006,168,700 is about $294 million below the Senate's section 302(b) allocation of $54,300 million.

And, finally, the 1987 discretionary total of $38,895,848,700 is approximately $504 million below the Senate's section 302(b) allocation of $39,400 million to the HUD Subcommittee.

So by almost any measure, this bill meets all the tests.

Briefly, let me give you some of the highlights. First, in the Department of Housing and Urban Development we have added $8,095 million for assisted housing. This mark is virtually identical to the assumption in the budget resolution for subsidized housing. When the accounting change recommended by the administration is factored in—converting public housing modernization to direct capital grants financing—assisted housing is about $50 million below the comparable 1986 level.

The bill provides a total of 81,500 incremental subsidized housing units. For the first time, we have not recommended funds for new public housing construction. Instead, we have directed much of that money to public housing modernization.

We provide for 50,000 vouchers, 12,000 section 202 elderly/handicapped units, 2,000 Indian housing units, 10,000 section 8 existing, 7,500 section 8 moderate rehabilitation units, and $250 million for approximately 35,000 rental rehabilitation units. In addition, we have provided $225,000 for 10,000 rental development [HODAG] units with bill language to assure that HODAG funds are targeted to areas with low vacancy rates—where the need for additional construction is greatest.

For public housing operating subsidies, we recommend a total of $1.3 billion. This should be sufficient to fully cover the performance funding system needs. Bill language would also make excess energy conservation savings available to help public housing authorities cover liability insurance costs.

The committee has provided increases above the budget request for both FHA and Ginnie Mae loan guarantees—based on the continuing high activity in the housing industry; $80 billion is set as the new FHA mortgage insurance ceiling and a total of $132.5 billion is provided for Ginnie Mae.

For community development block grants, the committee is recommending $3 billion. This is slightly above the current 1986 level after sequestration. For urban development action grants the recommendation is $275 million—or about $40 million below the current level. The committee has found it necessary to make substantial additions to staff at HUD to operate these programs. Altogether an increase of 2,140 FTE is provided above the budget request—due both to increased mortgage activity and to carry out the various assisted housing and community development programs.

Not included in our report are the President's August 14 budget amendments of an additional $3.06 billion for HUD. The increase in budget authority will provide for a $2.53 billion request in assisted housing, will provide a new level of $2.6 billion in community development grants—up from $2.1 billion, and will provide for a $605.3-million request in salaries and expenses, up from $573.8 million.

Also, the amendments provide increased GNMA authority for guarantees of mortgage-backed securities to $125 billion and an increase in FHA guarantee authority to $90 billion.

Now as we move on to title II, let me discuss the larger independent agencies. The Environmental Protection Agency operating programs receive and increase of $60 million above the budget request. These funds have been targeted at priority problems and to respond to critical needs related to the recently passed safe drinking water amendments. We have added $9.7 million for EPA research, $23 million for State grants and a total of 135 work-years in EPA operating programs.

For Superfund, the recommended appropriation is $861.3 million. That is the current level. Because of the delays in Superfund reauthorization, there should be about $600 million available at the end of 1986. So that carryover plus the new apprcpriation should provide a Superfund Program level of almost $1.5 billion in 1987.

In EPA construction grants, we have provided $2.4 billion, the historical program level. However, for both construction grants and Superfund we have included bill language reserving the money for release in a subsequent appropriations bill—after we have a chance to review the authorizing legislation.

For the Federal Emergency Management Agency, the committee has included a total of $614,250,000. This is an increase of $145 million above the budget request. The increase is comprised of $70 million to continue the Emergency Food and Shelter Program at its current rate and $75 million for disaster relief.

The committee made this addition to disaster relief to cover the additional costs that will result from rejecting the administration's proposed legislative and regulatory changes for disaster relief. These changes have been very controversial and bill language has been included preventing the proposed regulations from being implemented in 1987.

There have also been concerns raised over the administration's proposals to terminate the U.S. Fire Administration. The committee has

added $6 million to continue the Fire Administration, and we have added $3.5 million for travel stipends and lodging costs for emergency and fire training. With respect to the Flood Insurance Program, report language has been included capping increases in flood insurance premiums to 10 percent in 1987—instead of the 27-percent increase proposed by the administration.

For the National Aeronautics and Space Administration, the committee recommends $7,650 million. This is a decrease of $44.4 million below the budget request—but is an increase of $350 million above the assumption in the budget resolution. Basically, the 1987 NASA budget request is obsolete because of the *Challenger* accident. We have made a number of additions and subtractions, which are detailed in the report, in order to accommodate these changes.

For the space station a total of $410 million has been provided, which is the same as the administration's request. However, the committee has a number of concerns over the development of the space station, which are detailed on pages 43 to 47 of the report.

The thrust of our recommendation attempts to protect against the possibility of squeezes in NASA's budget reducing the benefits that this country will derive from the space station.

The United States is providing the basic infrastructure—and 80 percent of the total cost—and the foreign partners are providing two of the science modules. So our language is intended to assure that the space station is usable from the outset and will produce benefits to the United States commensurate with our investment.

One other point on NASA—as everyone knows. The President has supported a fourth orbiter—a replacement for the *Challenger*. In fact, just 2 days ago we received a budget amendment for $272 million for the replacement orbiter. Our bill does not include the moneys for that amendment now—but we will try to find those moneys later—either in our negotiations with the Senate or in the continuing resolution.

For the National Science Foundation, we provide a total of $1.550 million in 1987. This marks a new high in spending for the National Science Foundation, an increase of $92 million above the current level. The recommended amount, however, is $135 million below the requested amount. The committee recommendation is based on achieving overall balance in the bill. The National Science Foundation still gets the largest increase of any major agency in the bill. And again this year within the National Science Foundation, we have increased the request for science education—from $89 million to $99 million.

The Selective Service System receives a slight reduction from the budget request in their operating budget—maintaining their funding at the 1986 level. The Selective Service also has adopted regulations which have been controversial, concerning conscientious objectors and draft deferment. Bill language has been included to set aside these changes to the Selective Service System regulations.

For the Veterans' Administration, the committee recommends a total of $26,115,242,000. Again, in 1987 we are forced to provide major increases in the medical care account to maintain existing staffing in VA hospitals and other health care facilities to provide adequate medical care for the growing number of aging veterans. The requested amounts have been provided for the three major VA entitlement programs: compensation and pensions, readjustment benefits—and veterans insurance and indemnities.

So, all in all, I think this is a good bill. It is a balanced bill. It's within our 302 allocation for both budget authority and outlays. We take care of subsidized housing. We meet the most critical problems in NASA, in National Science Foundation, in VA, in EPA, in FEMA, and the other independent agencies. I urge your support of the bill.

I will include a table summarizing the amounts recommended in the bill with comparisons to the 1986 appropriations and the revised 1987 budget requests at this point.

SUMMARY OF ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY IN BILL

Department or agency	Appropriations, 1986[1]	Budget estimates, 1987[2]	Recommended in bill	Bill compared with—	
				Appropriations, 1986	Budget estimates, 1987
(1)	(2)	(3)	(4)	(5)	(6)
American Battle Monuments Commission	$11,920,506	$11,673,000	$11,673,000	−$247,506	.....
Cemeterial Expenses, Army	13,987,442	15,783,000	6,701,000	−7,286,442	−$9,082,000
Consumer Information Center	1,182,261	1,272,000	1,272,000	+89,739	.....
Consumer Product Safety Commission	34,452,000	33,000,000	34,452,000	.....	+1,452,000
Council on Environmental Quality	670,000	820,000	670,000	.....	−150,000
Department of Housing and Urban Development	12,905,450,747	6,416,661,000	13,271,483,300	+366,032,553	+6,854,822,300
Environmental Protection Agency	4,661,597,000	4,226,466,000	4,697,397,000	+35,800,000	+470,931,000
Federal Emergency Management Agency	824,881,628	469,250,000	614,250,000	−210,631,628	+145,000,000
Federal Home Loan Bank Board [3]	(30,528,000)	(33,659,000)	(29,159,000)	(−1,369,000)	(−4,500,000)
National Aeronautics and Space Administration	7,764,240,000	7,966,400,000	7,650,000,000	−114,240,000	−316,400,000
National Credit Union Administration [4]	(593,400,000)	(600,000,000)	(600,000,000)	(+6,600,000)	.....
National Science Foundation	1,458,329,000	1,685,700,000	1,550,000,000	+91,671,000	−135,700,000
Neighborhood Reinvestment Corporation	17,669,000	15,285,000	18,669,000	+1,000,000	+3,384,000
Office of Consumer Affairs	1,903,000	400,000	1,000,000	−903,000	+600,000
Office of Revenue Sharing	4,192,382,200	5,560,000	5,560,000	−4,186,822,200	.....
Office of Science and Technology Policy	2,217,227	1,671,000	1,671,000	−546,227	.....
Selective Service System	26,128,420	27,474,000	26,128,400	−20	+1,345,600
Veterans Administration	26,230,373,553	25,642,073,000	26,115,242,000	−115,131,553	+473,169,000
Total	58,147,383,984	46,519,488,000	54,006,168,700	−4,141,215,284	+7,486,680,700

[1] Appropriations in 1986, adjusted by Gramm-Rudman sequestration.
[2] Includes budget amendments of $3,060,605,000 for HUD and $272,000,000 for NASA.
[3] Limitation on corporate funds; administrative expenses.
[4] Limitation on direct loans.

Let me further indicate, Mr. Chairman, that I am conscious of the fact that Members had a very long day and night yesterday and most of the Members are anxious to get away this afternoon. My understanding is that there are relatively few amendments that will be offered to this bill, and I would hope that we could complete consideration of the bill and final passage in 1 hour.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding.

I would like to ask a question. My realtors, mortgage lenders, and first-time home buyers in my district have asked me a question regarding the FHA credit ceiling which I discussed with the gentleman a little earlier.

In this fiscal year FHA has already utilized more than the $100 billion in FHA credit.

What is the subcommittee chairman's information as to the demand for mortgages in the coming fiscal year? Does he anticipate a need to raise the limit above the $80 billion which is in the bill now or at some later date?

Mr. BOLAND. Mr. Chairman, the subcommittee's recommendation was $97 billion. That level was reduced to $80 billion in full committee because of concern over exceeding the 302 credit allocation. It appears that even if the FHA credit ceiling is raised in the House, consideration of the conference report containing a higher number would be subject to a point of order. That assumes the Senate does not change the House-passed credit limitation amount.

However, if the Senate raises the FHA credit ceiling, the House can agree to a higher amount and bring the amendment back in technical disagreement—outside the conference report for a separate vote. This would only subject that amendment to a point of order, not consideration of the conference report and we could live with that.

Mr. Chairman, I can assure the gentleman from Ohio and all the members of this committee who have an interest in this credit allocation for FHA that we will support that position.

Mr. WYLIE. Mr. Chairman, I thank the gentleman very much for his answer.

My information from HUD is that we will need a credit limit of somewhere in the neighborhood of $100 billion for the next fiscal year, and I appreciate the gentleman's cooperation in that regard.

Mr. GREEN. Mr. Chairman, will the gentleman yield to me on that point?

Mr. BOLAND. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I think the gentleman from Ohio [Mr. WYLIE] has raised an important point, and I would like to deal with it a little further. I join, of course, in the remarks of the gentleman from Massachusetts [Mr. BOLAND] as to how, as a practical matter, we can deal with that issue at this time. But I think there is a larger issue, and that is the way we count the credit for Budget Act purposes.

I think the Budget Act is right to look at Federal credit guarantees and to impose limits on them because they do represent Federal intrusions into the credit market every bit as much as direct Federal borrowings. However, I think they miscount because in fact much of the FHA activity this past year and probably next year has been and will be refinancings, and refinancings obviously are not intrusions by the Federal Government further into the credit markets. They are simply taking one federally guaranteed credit and replacing it with another. It seems to me that we ought to change the budget process so that we count that accurately and not count refinancings as new intrusions into the credit market.

Mr. WYLIE. Mr. Chairman, the gentleman makes an excellent point, and I support him in that position.

Mr. GREEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I shall not again cover the ground that the distinguished chairman of the Subcommittee on HUD and Independent Agencies of the Appropriations Committee has covered in his remarks. I do want to express my appreciation and, I am sure, that of all the other members of his subcommittee for the leadership he has given us this year, as in the past, in crafting a very important and complex appropriation bill.

Let me simply try to deal with a few of the issues that I think are implicit in what we have done in this bill. First of all, as the gentleman from Massachusetts [Mr. BOLAND] pointed out, we have stayed within our limits under the Budget Act, both with respect to budget authority and with respect to outlays, so I think there could be no criticism of the bill in that respect.

In terms of the housing programs, we have tried to conform what we have done in this appropriation bill to the will of the House as expressed during its consideration of H.R. 1 earlier this year. That is not everything that I would like to see in a housing program, but the House expressed itself very clearly, and I think we did the right thing by listening to what the House was telling us. We have gone very heavily into rehabilitation and the use of existing housing rather than new construction. In the one place where we have provided for new construction, the HODAG program, we have specifically provided in the report that that is to be targeted on housing market areas where there is a tight vacancy rate.

□ 1330

Turning to the NASA part of the bill, what was going to be a very difficult budget situation with respect to the NASA programs was, of course, greatly aggravated by the *Challenger* tragedy earlier this year. Only earlier this week did the Administration finally come to us with a request for $270 million for a replacement orbiter. Given the fact that we are right up against our budget authority limits in this bill, it is not possible at this time to deal with that request, but it is obviously one that we take extremely seriously, and it must be dealt with by the Congress.

We do in our report express a number of concerns with respect to the development of the Space Station Program. There is concern that NASA is over optimistic about how quickly it will be able to get the station into a permanently manned mode of operation, and we therefore are insistent that from the beginning the station when it gets up there be able to perform useful work for the country.

We are also concerned that, in our negotiations with foreign governments on their participation in the station, we will not wind up in a situation where because of budget pressures they are getting all the technological benefits of it and we are simply providing a transportation vehicle for their experiments. That, too, we have addressed in the report.

With respect to the National Science Foundation, although we did not provide all the money that the administration requested, that is proportionately the largest increase in this bill for the major agencies covered by the bill. I think it represents an important investment for the future in the development of American science and technology and in science education.

Finally, I should make the point that this bill does not deal with the problem of general revenue sharing. The full Appropriations Committee considered that issue and decided that in view of the lack of action by the House on the authorizing bill, this bill would not be an appropriate vehicle by which that question could come to the floor of the House. However, that is a question that the House may want to address before we adjourn, either via the authorization bill or the continuing resolution. I simply want the Members to understand that this appropriation bill has normally carried that appropriation, and it is not in here because the program is not authorized and is currently scheduled to expire on September 30.

In conclusion, I think we bring you a bill that is as good as it could be under the circumstances. None of us is happy with the limitations we face, but we have honored the limitations that are imposed upon us in the budget process. Within those limitations I think we have done a yeoman job in meeting the concerns in the various areas that this bill covers. I should hope the House would agree with us and would adopt the bill.

Mr. BOLAND. Mr. Chairman, I yield such time as he may require to a distinguished member of the subcommittee, the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the bill. I commend the chairman, the gentleman from New York [Mr. GREEN] for his excellent work on behalf of the committee in reporting both the bill and the report. I am very pleased with the language of the bill and the report, most especially those areas that deal with the Environmental Protection Agency and the ques-

tion of ways to control fuel pump emissions.

The committee has directed that the EPA review a number of issues and report back to the Congress by December 1986 before proposing any regulations and it appears that based on current information their proposed rules may be ineffective and perhaps even unnecessary.

Also, I support the decision on the part of the committee not to further fund the Asbestos Hazard Abatement Program. It is my hope that we will be able to resume funding in the near future when we are convinced that the EPA will make use of appropriated funds that we have already done in a timely fashion and when we know, in addition, that appropriate and consistent reinspection is being accomplished, along with enhanced efforts to provide for contractor training and certification activities for which the committee has provided funding in 1987.

Mr. Chairman, the report of our committee regarding funding for the Environmental Protection Agency was amended during full committee consideration to bring to the attention of the Agency the concern that many of us have about the way in which the Agency is proceeding with respect to nationwide controls on gasoline vapor emissions from the refueling of motor vehicles.

There are two primary ways to control emissions: control them at the fuel pump, or control them at the fuel receptacle of vehicles, and this assumes that controls beyond the ones currently in place are both necessary and effective. Our concern is that EPA may not have developed sufficient data upon which to base a judgment of these alternatives. That is why the report specifically directs EPA to review a number of issues and report back to Congress by December 1986 before proposing any regulations that based on current information appear to be ineffective and unnecessary.

We expect EPA to comply with this directive.

I also rise, Mr. Chairman, to discuss the fact that the committee has postponed further funding for the asbstos hazard abatement loans and grants for our Nation's schools. I stress the word postponed, because it is my hope that we will resume funding in the near future, when we are convinced that EPA will make use of appropriated funds in a timely fashion and when we know that appropriate and consistent reinspection is being accomplished, along with an enhanced effort to provide contractor training and certification, activities for which the committee has provided funding in fiscal year 1987.

I remain a strong supporter of the Asbestos Hazard Abatement Program and was happy to join with the other Members of the House in approving H.R. 5073, the Asbestos Hazard Emergency Response Act of 1986 in August. I look forward to the program's reauthorization and improvement in the coming months.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Michigan, the chairman of the Energy and Commerce Committee, for a colloquy with the chairman.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Michigan, who is my dear friend, and I commend the committee and the distinguished subcommittee chairman for the outstanding work done here on the legislation before us.

I would thank the gentleman from Massachusetts and the gentleman from Michigan especially for their support for the language found at page 62 of the committee's report accompanying H.R. 5313. That language directs the Veterans' Administration to adopt the so-called "dual campus" approach in replacing the existing VA hospital at Allen Park, MI. The dual campus approach, agreed to by all sectors of the southeastern Michigan veteran, educational, governmental, and business sectors nearly 2 years ago, will, I believe, and will in the mines of all, best serve the medical care needs of the veteran population of southeastern Michigan. I commend the distinguished chairman and the distinguished gentleman from Michigan for their support of this approach.

I would like at this time to ask my dear friend, the chairman of the subcommittee, the gentleman from Massachusetts [Mr. BOLAND] whether it is his intention and the intention of the committee that this language serve as an integral part of the legislative history of this appropriations bill and whether it is the gentleman's intention to use the very considerable powers of persuasion that he possesses and that the subcommittee possesses to insure that the VA complies with this language.

Mr. BOLAND. Mr. Chairman, will the gentleman from Michigan yield?

Mr. TRAXLER. I am delighted to yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I am delighted to respond to the gentleman from Michigan, the all-powerful chairman of the Energy and Commerce Committee, whose persuasive powers are well known, not only in Congress but in the executive branch, as well.

I would say to my distinguished colleague that it is the intent of the committee that this language serve as an expression of the committee's intent. The committee expects its directive to be complied with.

Mr. DINGELL. Mr. Chairman, I thank my dear friend. He has served the Nation well.

Mr. BOLAND. Mr. Chairman, I thank the gentleman.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I am pleased to yield to the gentleman from New Jersey for the purpose of engaging in a colloquy.

Mr. FLORIO. Mr. Chairman, just for clarification on what the committee has done with regard to the Superfund, and I commend the committee because I think what they have done is appropriate and fitting.

It is my understanding that the actions that will be taken here today will result in making available appropriations in the amount of $1.46 billion for 1987 in two components, a $600 million carryover from last year and $861 million new spending authority to be carried next year, but that both of these provisions are contingent upon authorizing legislation being enacted into law by this body with the President's signature and that those appropriations will be available only upon that activity and that action being taken.

Mr. BOLAND. Mr. Chairman, will the gentleman from Michigan yield?

Mr. TRAXLER. I am delighted to yield to the distinguished chairman, the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, in response to the distinguished gentleman from New Jersey, let me say that the gentleman is probably one who is as well versed on the problems of the Superfund as anyone in this Chamber.

The figures that the gentleman states with reference to Superfund are correct. There will be approximately $1,461,000,000 available for Superfund in fiscal year 1987, based on language carried in this bill and as the result of the carryover from 1986. And any of these funds not obligated in 1987 would carryover until 1988 and beyond to expand Superfund, and it would be subject to appropriations.

Mr. FLORIO. Subject to authorization?

Mr. BOLAND. Yes, subject to authorization and appropriation.

Mr. FLORIO. Mr. Chairman, I thank the gentleman for his cooperation.

Mr. Chairman, I rise to note an unfortunate omission in H.R. 5313—funding currently authorized under the Asbestos Hazard Emergency Response Act [ASHAA] for schools to clean up hazardous asbestos. I would like to add that Chairman DINGELL and Mr. LENT share my concern regarding this omission. We all know that asbestos is a known human carcinogen which can cause lung cancer, mesothelioma and asbestosis when airborne fibers of the mineral are inhaled. Since children breathe five times faster than adults, they are particularly susceptible to the effects of asbestos inhalation. For this reason, asbestos-containing material in school buildings is such a potentially disastrous problem.

The House recently passed H.R. 5073, the Asbestos Hazard Emergency Response Act, which is a comprehensive response to the asbestos-in-schools problem. The legislation requires the Environmental Protection Agency [EPA] to prescribe proper inspection procedures, difine the circumstances when asbestos must be cleaned up and set standards for the proper transport and disposal of asbestos wastes. EPA must also establish a contractor accreditation program that the States must adopt to ensure that only qualified contractors are hired for any asbestos-related work.

H.R. 5073 mandates that schools must complete an inspection or reinspection according to the EPA standards, develop a management plan describing the manner in which any asbestos will be responded to, and clean up any potentially hazardous asbestos.

Chairman BOLAND, in urging the House to support H.R. 5073, stated that it addresses the problems the Appropriations Committee had with regard to the existing school grant and loan program, most notably that money was being spent on shoddy cleanup work. With the passage of H.R. 5073, we can feel confident that work will be performed properly. As a result, the authorized funds in the grant and loan program should be appropriated.

We require much from the schools in H.R. 5073. From reinspection to abatement, schools will incur many expenses to provide for the safety of the Nation's schoolchildren. While I am pleased that the Appropriations Committee has included $5 million in H.R. 5313 to help schools cover the cost of performing the reinspections, I am concerned that no money has been appropriated to assist the schools in cleaning up the asbestos.

To date, over $90 million has been provided to schools to cleanup asbestos under the grant and loan program. But that is not enough to cover much of the cost of abating asbestos. Providing any portion of the authorized level of $100 million is truly necessary.

ASHAA is not a gold-plated program. Money is provided to schools that most need it. School districts receiving the assistance must show that they have both financial need and hazardous conditions in their schools. Furthermore, 75 percent of the money is distributed as loans while just a quarter of the money is provided in the form of grants. We can be sure the money will be spent properly given the strict guidelines set forth in H.R. 5073.

This grant and loan program is important. By providing money to schools to assist cleaning up hazardous asbestos, we are making a sound investment in America's future. We will be protecting the 15 million school children—almost one-third of the Nation's school population—who are currently exposed to the potentially deadly substance in their school buildings.

Mr. TRAXLER. In conclusion, Mr. Chairman, let me say that there is one other important area in the bill and the report that the Members should be aware of, and I am sure they are. That relates to FEMA and disaster relief funds. As you know, the administration has been attempting, through the administrative rulemaking process, to significantly cut back on the Federal share of disaster relief. This bill and the report directs language that blocks those rules from being implemented. In addition, the bill provides $175 million for disaster relief for FEMA, which is up from the requested level of $100 million.

Now, we have no control over when disasters occur, nor have we any control over how severe they are going to be.

Let me say right now at this time in my district we have Lake Michigan. We are under water, very, very severe flooding. It is a tragedy. It is harming us and unfortunately it has killed a number of people in our State. It is going to harm small business and farmers. It is a booming disaster. The intervention and the assistance from FEMA are going to be critical and absolutely necessary, as my State is suffering, regretfully, millions and millions of dollars of damage now. We are going to need this program. We are going to need this money.

I am confident that the committee, should the administration later on want more funding for FEMA, I am confident the chairman, as he has in the past, and the ranking minority member, the gentleman from New York [Mr. GREEN] will honor such a request.

This is an essential and vital program. I wish to extend my personal thanks to the chairman and the other members of the committee for making certain that the language is in the bill which stops that rulemaking takeaway language from going into effect that the administration was proposing.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise to commend the very able chairman of the HUD and Independent Agencies Subcommittee of the Committee on Appropriations, Mr. BOLAND of Massachusetts. I commend also the very able ranking member, the gentleman from New York, [Mr. GREEN]. They and the other members of the subcommittee have rendered yeoman service to the veterans of our Nation by their works on the Veterans' Administration appropriation for 1987.

Mr. Chairman, in these times of careful and very necessary congressional scrutiny of all appropriations requests, the Veterans' Administration is treated very fairly by the bill before us, and I support it as it relates to veterans programs.

Mr. Chairman, H.R. 5313 is immensely fair to Veterans' Administration medical programs. It essentially provides for a current services budget by restoring a suggested reduction of some 8,800 employees. It also provides money to implement the new Veterans' Administration health care reforms which were legislated earlier this year. It increases the research budget by some $5 million over the budget request. It provides sufficient construction funds for that program to proceed in an orderly way. It further provides funds to implement a new Veterans' Administration policy on parking facilities. And it doubles the Federal commitment for State homes, a program that is an excellent example of Federal/State relationships. All in all, Mr. Chairman, it is an excellent Veterans' Administration medical budget.

Mr. Chairman, the suggested funds for the central office management of the medical program, the suggested funds for compensation and pensions, the suggested funds for the GI bill and for vocational rehabilitation, and the suggested funds for general operating expenses are also adequate unto the need.

Mr. Chairman, this is a frugal but adquate budget. Of course, it doesn't do all the things or pay for all the things that many would want it to do. But in these times of fiscal restraint, veterans have fared well and, again, I commend the members of the subcommittee and particularly Mr. BOLAND and Mr. GREEN.

Mr. Chairman, the annual congressional process on budgets for the several departments and agencies of our Government always provokes alarm at its beginning. However, it is the end result that counts. This year that result tells us the Congress understands its commitment to our Nation's veterans, their dependents and survivors. It tells us the Congress keeps its commitments. I am pleased to wholeheartedly endorse the veterans section of H.R. 5313 and I urge my colleagues to do likewise.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN], who preceded me as the ranking minority member on this subcommittee.

Mr. COUGHLIN. Mr. Chairman, I thank my colleague, the gentleman from New York, and let me join in congratulating the very distinguished chairman of the subcommittee, the gentleman from Massachusetts [Mr. BOLAND] and the distinguished minority member, the gentleman from New York [Mr. GREEN], whose expertise in crafting this bill is tremendous. I think we are very proud to have the bill before us.

Having served on this subcommittee for some 12 years now, let me just say that this bill is a critical bill in many areas.

First, it is a bill for our cities. It is really a cities' bill because it contains funding for our housing programs, our urban development action grant programs, our community development block grant programs. I have seen the

results of this program as they are at work in our cities today in leveraging private capital, in improving the cities and the quality of life in our cities themselves.

Second, also it is a bill for the environment, because it does provide a little funding for our environmental programs, so it is also very responsible for the quality of life in that area and is a critical bill particularly for its funding of the Superfund, which is important at this time.

This is a bill for our sciences, our future, our technology, because that is all funded in this bill. Those of my colleagues who are interested in that area must realize that this bill is critical to the future of our scientific progress.

Finally, of course, it is a bill for our veterans. It takes care of our veterans. It provides them benefits. It provides for all kinds of veterans benefits, health, education, and programs in other areas.

So as my colleagues consider this critical piece of legislation, I hope they understand that this is a bill that is a major piece of legislation, that has been the product of a great deal of work by the staffs, by the chairman and the ranking minority member and the other members of the subcommittee.

Mr. Chairman, I heartily endorse the bill.

Mr. BOLAND. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from Ohio [Mr. STOKES], a valued member of the subcommittee.

Mr. STOKES. Mr. Chairman, I thank my distinguished chairman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 5313. As a member of the subcommittee which drafted this important bill, I wish to say that it continues to be one of the great privileges of my tenure to work with the distinguished chairman from Massachusetts, ED BOLAND. He is an extremely hardworking chairman, who is responsive and imminently fair when considering programs that are important to the people of this Nation. I, personally, appreciate his cooperation and consideration. Additionally, I want to express by appreciation to the very able ranking minority member, BILL GREEN. It is a great privilege to serve on this subcommittee with both of these distinguished gentlemen.

Mr. Chairman, This bill is one of the most important and diverse of the 13 appropriations bills that this body will consider this year. This bill fulfills one of the most basic human needs of thousands of individuals and families throughout America, the need for decent and affordable housing. This bill ensures that adequate funding is provided in our effort to see that our environment is clean and free from the threat of toxic substances. It takes the lead in embarking the Nation on an exciting and promising new venture, as we prepare for the next quantum leap in space, the building of the space station. This bill appropriates vital funding for science education and scientific research programs, and disaster relief funding to aid areas of our Nation that face unanticipated natural disasters. It appropriates funding to ensure that quality medical care and an appropriate level of benefits be made available to our Nation's 27 million veterans. Certainly, residents of my district, and the people of this Nation rely heavily on the services that this bill makes possible.

In total, H.R. 5313 provides $54.0 billion in new budget authority for fiscal year 1987. The total is $10.4 billion more than the administration requested, and $1 billion less than was appropriated for comparable programs in fiscal year 1986. The bill provides $9.6 billion in fiscal year 1987 for a variety of housing programs, including $8.1 billion for housing assistance. Low-income citizens of this country cannot afford to have the Federal Government withdraw its commitment to public housing programs, which have tragically been cut by 65 percent since this administration came to power.

In addressing the critical needs of large public housing authorities throughout the Nation, the bill includes $1.3 billion for public housing operating subsidies. This funding is particularly important for my district of Cleveland, OH, which has the oldest housing stock in the Nation, some of which is 50 years old. According to public housing officials in my district, because HUD has so severely underfunded modernization needs, it will take more than $80 million in the coming years to redress this critical problem. The Congress has already exercised wise judgment in rejecting the administration's request to rescind all modernization funds appropriated for fiscal year 1986; and, I further believe that this bill properly rejects the administration's request to make modernization money available only in emergency situations.

I am expecially pleased that this bill appropriates $3 billion in fiscal year 1987 for the Community Development Block Grant Program, and $275 million for the Urban Development Action Grant Program, two Federal programs that have served as valuable tools in moving our Nation's cities away from deterioration and decay, and toward economic revitalization and community pride. In Cleveland, OH, these programs have been effective in creating jobs, providing social services for the low-income elderly and handicapped, weathering homes, developing deteriorating communities, and stimulation private capital investment.

This bill also includes $7.7 billion for the National Aeronautics and Space Administration, with $410 million earmarked for continuing our efforts on space station development. My constituents are eager to see that we move forward with this enormous undertaking, in which Cleveland, OH, will serve as the NASA center for the development of space station power. As I know my colleagues are fully aware, 1986 has been an especially difficult year for NASA, as the agency continues to recover from the aftermath of the shuttle accident of January 28. As a nation, we all share a deep sadness at the loss of the *Challenger* and its brave crew. As NASA continues to recover from this national tragedy, I urge all of my colleagues to join together in support of Dr. Fletcher, NASA's Administrator, as he continues the difficult task of rebuilding our space effort. Although we may disagree on methods, we must not lose sight of or jeopardize our long-term goal for a space program that both ourselves and our children can look to with pride.

Additionally, I strongly support the $99 million recommended in H.R. 5313 for science and engineering activities under the National Science Foundation account. This represents a $10 million increase above the administration's request, and is urgently needed to address the critical problem of year's of underfunding science and engineering education. In addition, these funds will assist more minorities and women in entering the scientific job market, where they are currently highly underrepresented. Blacks for example, make up only 2 percent of all employed scientists and engineers in the United States, even though they represent over 10 percent of the overall labor force. Only by continuing a strong Federal commitment to science education can we hope to seriously redress this problem.

Mr. Chairman, the 15 agencies that will receive new budget authority through H.R. 5313 administer hundreds of programs that substantially benefit the people of this Nation. I strongly endorse H.R. 5313, and urge my colleagues to support the bill.

□ 1345

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Chairman, I want to pay tribute to the very able chairman of the subcommittee, the distinguished gentleman from Massachusetts [Mr. BOLAND], and to the very able ranking minority member of the subcommittee, the gentleman from New York [Mr. GREEN], for their leadership in bringing to the

House a very good appropriations measure for veterans' programs. If this measure is adopted, veterans benefits and services during fiscal year 1987 will be secured. Given the current economic situation, I think the committee on appropriations has treated veterans very fairly.

During the past several years, I have taken the floor to express my appreciation to my colleagues on the Appropriations Committee for their work in behalf of veterans. Seldom do conflicts arise between the authorizing and Appropriations Committees on veterans' issues. We work together and year after year the House lets veterans know that it cares about them.

The administration talks a lot about its commitment to veterans, but year after year its budget is woefully inadequate. For example, this year the administration's proposed budget would require a staff reduction in VA hospitals and clinics of more than 8,000 employees; inpatients treated would be reduced by 57,000 from the previous year, and outpatient visits would be cut by 1,114,000. The administration proposed a 41 percent reduction in VA construction program, a cut of more than $330 million from the current fiscal year. It proposed that the funding fee paid by veterans to get a home loan be increased from 1 percent to 2 percent—a 100 percent increase over the current fee. The administration's proposal would set the fee at 3.8 percent in 1990 and thereafter. None of these things will occur if the reported bill is adopted and becomes law.

Finally, Mr. Chairman, despite the clear intent of the House to maintain current services for the VA budget, the Administration plans to cut beneficiary travel for veterans by $90,000,000 in the next fiscal year, a cut that would eliminate the travel allowance for all veterans, including the service connected, except in emergency cases.

Mr. Chairman, the Appropriations Committee has rejected most of the reductions proposed by the Administration and I commend my distinguished colleagues for doing so. Rather than cut back on veterans programs, the committee is proposing a budget that would generally allow for current services during the next fiscal year. The reported bill would:

First, provide $396,159,000 above the administration's request to restore the 8,848 health care personnel cut proposed by the administration. It is expected that these additional resources will permit the VA to provide treatment for an estimated 65,482 inpatients and 1,264,000 outpatients above the administration's 1987 requested levels.

Second, provide $8,470,000 to support 459 full-time personnel to implement medical care eligibility reforms enacted by the Congress last year (Public Law 99-272). This is the level of resources originally requested of OMB by VA. These additional staff will assure that veterans will not experience delays in gaining timely admission to VA hospitals and clinics. In addition, adequate staff can be provided to administer the third-party reimbursement legislation enacted earlier this year.

Third, increase the medical and prosthetic research budget by $5 million over the President's request.

Fourth, increase the budget for major construction projects by $81,500,000 over the administration's request. This increase will provide funds for the outpatient and clinical addition project at New York City; $6 million to acquire the site for a new medical center at Palm Beach, FL; design funds for the replacement medical center at Pittsburgh, and design funds for a 120-bed nursing home care unit at New Orleans.

In addition, the bill contains $26,000,000 for the revolving fund authorized several years ago by our committee for parking garages to be constructed in urban areas where parking facilities are not available to hospital employees and visitors. From the inital appropriation to the revolving fund, we would expect parking garages to be constructed in Baltimore, Durham, San Francisco, and Syracuse.

Finally, Mr. Chairman, I would like to point out that the bill contains $42,400,000 for the construction of state extended care facilities, about double the appropriation made last year. We should do everything we can to assist States who want to help provide health care to our Nation's veterans, especially nursing home care, and I am very pleased that the committee has appropriated all of the funds requested by the administration for this program for the coming fiscal year.

Mr. Chairman, veterans can be proud of this bill and I hope they fare as well in the other body.

Mr. GREEN. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. RIDGE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Chairman, I would like to take just a few minutes to call to my colleagues' attention what is a small, easily overlooked but vital expenditure in this appropriation: The Federal Emergency Management Agency's Disaster Fund. This fund provides the moneys to assist both the communities and individual victims of disasters.

When the President's budget was forwarded to the Congress earlier this year only $100 million was requested for FEMA's Disaster Fund. Last year that request was for $196 million and over the last 10 years, average annual obligations have totaled $342 million. I, along with several of my colleagues, expressed serious doubts about the agency's ability to fulfill its congressional mandate at a funding level that was far below what has been needed in recent years.

It quickly became clear that FEMA was going beyond the normal cost-saving initiatives that the entire Federal Government has responsibly been adopting in recent years. Instead, the agency was undertaking a concerted, but indirect effort to relieve the Federal Government of its congressionally mandated responsibility to provide meaningful peacetime disaster assistance. Specifically, by rules offered in the Federal Register on April 18 of this year, FEMA proposed to drastically reduce, by $75 million, the amount of funds available to assist local communities that are trying to recover from the devastating effects of hurricanes, floods, tornadoes, and fires.

My deep concern regarding FEMA's national priorities in 1986 was precipitated by a series of devastating tornadoes that ripped through my district resulting in a Federal disaster declaration for the area. I witnessed the most powerful series of tornadoes in Pennsylvania's history cause 65 deaths and an estimated $250 million in damage. To date, FEMA has provided $7 million to help Pennsylvania's communities and non-profit institutions recover from this tragedy. There is no conceivable way that the communities in my district, many of which were literally sawed in half by tornadoes with wind speeds ranging from 150 to 300 miles per hour could have even started the recovery process without a considerable amount of support from all levels of government and the private sector.

Today, I remain convinced that FEMA's assistance was essential to the recovery effort. However, under the proposed regulations of April 18, the communities in my district would have received no money for reconstruction. FEMA would have labeled the catastrophe a "smaller disaster" thereby rendering the affected communities ineligible for any Federal disaster assistance. Incredibly, by FEMA's own estimation 61 of the last 111 Presidentially declared Federal public disasters would not qualify for any help from the Federal Government. Nearly every State in this country would have found itself with drastically reduced and, in some cases, no funds to help return their disaster devasted communities to their predisaster condition.

There is, in my opinion, absolutely no substantive justification for FEMA's use of the regulatory process to drastically curtail public disaster assistance. I'm pleased to report to you today, however, that the Appropriations Committee has wisely stopped FEMA from decimating Federal disas-

ter assistance. The bill orders FEMA to withdraw the proposed regulations. It also restores the estimated $75 million that would have been saved thus bringing the total appropriation to a more realistic $175 million. In addition, I will continue my efforts to amend the Disaster Relief Act by mandating specific fiscal responsibilities for the Federal Government that I believe will reflect the Congressional intent of making the Federal Government a meaningful partner in the recovery effort after a disaster.

Congress never has and must never retreat from its responsibility to the victims of natural disasters. This appropriation will allow FEMA to meet that responsibility and I urge my colleagues to vote for passage.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I want to commend the gentleman from Pennsylvania [Mr. RIDGE] for his appearance before our committee. He was one of the many effective spokesmen who disagreed with the regulations established by FEMA with respect to disaster relief. And he was right.

Mr. BARTLETT. Mr. Chairman, I rise to discuss and to support the priorities that are set in the subsidized housing section of this bill, and I commend the efforts and the good will of the chairman of the subcommittee, the gentleman from Massachusetts [Mr. BOLAND], and the ranking minority member of the subcommittee [Mr. GREEN], in establishing priorities that are set by this appropriations bill.

I have one caveat, and that is that in the aggregate this total piece of legislation, H.R. 5313, is still a large appropriations bill. There are a number of agencies that are included, and I understand that the administration and others have some objections to some of the spending levels in other sections of the bill. So I will listen to the debate on those sections.

In the housing section—and I serve on the housing authorizing subcommittee—it is my judgment that the committee has done a good job—not perfect—but they have adopted the priorities that have been set by this House in the appropriation sections of subsidized housing, adopted the priorities that were set by the housing legislation at the end of a week-long debate on this floor.

I have a good deal of respect, as do all Members, for these two gentlemen. They have earned the respect of this entire House by their skill and by their legislative fairness, because I know that they do not necessarily agree with each of the priorities in every respect, and they participated in the debate rather vigorously. It is to their credit and the credit of the entire Committee on Appropriations that they did enact the priorities so far as they can do within the appropriations process.

I would specify some of those priorities. For example, in the area of new construction the House has said several times that before we spend scarce Federal dollars to build new units of Government housing at a cost of some $60,000 per unit, that we ought to spend those scarce resources to repair units instead, and so last year, in fiscal year 1986, the appropriations bill on final passage had built some 5,000 new units of public housing at a cost of $1 billion in total, and this year there are no funds appropriated for new construction.

Second, this committee report, this bill, virtually doubles the funding for repair and modernization, thus increasing the living standards and the livability of tenants of public housing throughout this country. It is estimated that some 36 percent of all the public housing in this country is in need of repair, and if you allow for the new capital grant formula that is in this bill, the $1.4 billion that is appropriated in this bill after adjusting for the change in the financing method doubles from fiscal year 1986 the money spent for repair and modernization.

In section 202 the committee maintained 12,000 new units, and that is consistent with the views of this House.

In the area of certificates and vouchers this bill provided for 60,000 new certificates and vouchers, thus providing an emphasis on those items of assistance directly to low-income families where you can obtain the maximum assistance and allow people to live where they want to and not where the Government chooses where they live. And within that 60,000 this bill provides 50,000 of those certificates in the form of vouchers, which has the maximum flexibility.

Overall new units in this bill are some 92,750 units, about the same number that we had all agreed on all along, but what is important is that this appropriations bill maximizes the scarce Federal resources to obtain those 90,000 new units in the most cost-effective way possible.

I would note that there are two sections with which I do have some concern. First is the very large increase in the HODAG programs, from some $75 million to $225 million, and second is that I think we did make a mistake in the bill by modifying the 1983 prohibition of rent controls on units assisted by the Federal Government.

But the bottom line is that this appropriations bill does set the right priorities and sets the priorities that we would hope to achieve in the authorizing legislation.

In my remaining minute I will speak on the authorizing legislation, because reform is needed now—reform in aggregate spending, reform of the nature that was adopted by the housing bill, and it is now at the point that it is going to be up to everybody in the other body, in this body, in the administration, in HUD, and elsewhere, to decide that we are not satisfied with the status quo, and the only way to change the status quo of assisted housing programs in this country beyond what the Appropriations Committee has done is going to be to adopt authorizing legislation of a reform nature, of a nature that has been contemplated by the housing bill by this committee, adopt with that some limit on aggregate spending, and change the status quo through the adoption of authorizing legislation.

It is my hope that this body, that this Congress, this year, adopts authorizing legislation and gets on with that task of reforming assisted housing programs, and I commend the committee for their fine work.

Mr. BOLAND. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Chairman, I rise in support of H.R. 5313—the fiscal year 1987 HUD-independent agencies appropriations bill. As chairman of the Subcommittee on Space Science and Applications, I particularly wish to commend Chairman BOLAND and his subcommittee for their insight and their leadership concerning our Nation's space future.

In the time since the *Challenger* tragedy, NASA and America's space program have been lacking in direction. We have reached the nadir and have just begun the resurgence to regain our preeminence as the leading spacefaring nation in the world.

Last week, we witnessed the successful launching of a Delta rocket at the Kennedy Space Center. NASA has a new, experienced Administrator. A number of new managers at NASA are providing fresh insight and decisiveness. This appropriations bill and our authorizing bill—due on the floor shortly—are providing direction to the help NASA to get back on its feet.

And, finally, the administration has recently requested the funding to begin construction of a fourth orbiter. These are all positive indicators—America will retain its position as the number one spacefaring nation—but we cannot hesitate.

This bill at a level of $7.65 billion is sufficient under the Gramm-Rudman budget realities. In truth we should be spending much more on the Nation's civilian space program to keep our leadership.

I share the concern of Chairman BOLAND and his subcommittee about progress in the space station program.

We have new and very able management in the space station program at NASA, but progress has not been as fast as originally anticipated. The Congress has the duty to exercise its oversight and to be sure that the taxpayer gets the best space station for the money. Not only do we need to get our shuttle fleet back into operation, we need to proceed to this next logical step—the space station. America cannot afford to slip back from the edge of technology.

I commend the chairman for his leadership on this bill before us. I urge its adoption by my colleagues.

□ 1355

Mr. BOLAND. Mr. Chairman, I yield myself such time as I might consume.

I would like to propose a question to the gentleman from Texas concerning Mr. LOEFFLER's amendment adopted in the full committee on the HUD—independent agencies appropriations bill. Basically, that amendment restricts the movement of any employee from the Johnson Space Center to any other NASA facility. I recognize why that amendment was offered, And I understand the gentleman's position and his concern in regard to the Houston Space Center and that Center's contribution to the Space Station Program. Those concerns are being addressed by NASA currently and I am hopeful that something can be worked out that will be satisfactory to both the Marshall Space Center and the Johnson Space Center.

But in the meantime, as the gentleman knows, one of the objectives of NASA was to move a small number of people from the Johnson Space Center and other NASA centers to Washington in order to consolidate at headquarters the management of the Space Station Program. That move is essential to good management—and perhaps most importantly—it was in response to a direct recommendation of the Rogers Commission. The Commission emphasized the importance of NASA having program control and accountability through the strong centralized management of all NASA programs.

With that as background, it is my understanding that Mr. LOEFFLER and the gentleman do not object to the movement of a small number of Space Station Program management personnel from Houston to Washington—their objection is to the movement of space station personnel and program content from Houston to Marshall.

Is that correct?

Mr. COLEMAN of Texas. Mr. Chairman, if the gentleman will yield, the gentleman is correct. As he knows, myself and other Members of the Texas congressional delegation are concerned that the traditional role for the Johnson Space Center—which has been to oversee the manned aspects of U.S. space flight—not be seriously eroded by moving pieces of the space station from Houston to Marshall. However, it is not my intention, nor do I believe the intention of the Members of the Texas delegation, to prevent moving the overall program management to Washington—and we would not want to block this from happening.

Mr. BOLAND. I thank the gentleman for that response.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, over the last several weeks, a debate has progressed over the future of the space station program. I as well as many of my colleagues on the Space Science Subcommittee raised concerns over the design of the station and the wisdom of work package changes embodied in Dr. James Fletcher's June 30 announcement.

Today, I am pleased to note that we have made important and encouraging progress toward resolving these questions. The work of the space station design review team at the NASA-Langley Research Center is nearing completion, and I am hopeful that they will report to the Congress soon on design modifications that will answer key safety and efficiency concerns.

At the same time we are hearing resolution on the management efficiency concerns we raised over the distribution of space station work package duties between the Johnson Space Center and the Marshall Space Flight Center.

I would like to take this opportunity to compliment NASA on the good faith progress that has been made recently. I look forward to the completion of these reviews in the near future and to the opportunity to fully study their results. Once we have completed this process, I am confident that the space station program will be on a firm foundation for future progress.

However, as we debate appropriations for NASA, I would like to discuss some other areas of deep concern I have about our Nation's space program—concerns which I know are shared by many of my colleagues.

Mr. Chairman, there is a desparate need for strong leadership in our space policy. Since the devastating loss of the space shuttle *Challenger* and her crew, our national space effort has been adrift. Decisions that must be made have piled up. Direction and purpose have been lacking. It seems that all we can do is repair some of the physical damage caused on January 28. But no actions have been taken to mend the deeper wounds to the space program: the morale of NASA is at an alltime low: the continuing departure of our veteran NASA personnel, representing decades of experience, could cripple our ability to make new advances in space; and the siphoning off of funds away from the space effort is nothing less than a retreat from our national commitment to leadership in space science and exploration.

How can we solve these deeply disturbing problems in our space program? The key to correcting this discouraging situation lies in regaining the precious momentum that NASA has lost this year, and the leadership to regain that momentum must come from the White House. The Congress stands ready to work with the President in going forward in space.

Today, I call upon the President to act and assure him that we are ready to join him. There are several fronts upon which his leadership is needed.

First, we must have a fourth shuttle orbiter. It is that simple. Without it, the space station, our most daring venture in space since going to the Moon, will be in doubt. Until we have a viable, four orbiter fleet, our capability to do manned work in space will be hobbled. But this is not an area of dispute between Congress and the President; we have called repeatedly for a replacement orbiter, and the President has replied that he too sees this need. Not long ago, we all heard the White House announce its intention to build the replacement for the *Challenger.* However, one thing seriously lacking in that announcement was a forthright explanation of where the funds will come from. It does no good to commit to a fourth orbiter without accompanying that commitment with a hardnosed and prudent plan for paying for it.

I am deeply disturbed by those in the administration who say that the cost of the fourth shuttle should come out of NASA's ongoing budget. Anyone familiar with NASA's budget knows that they have been squeezed tight as a drum for years. Promising scientific work has been hacked back in all areas, and we have foregone excellent opportunities for space science probes to other parts of our solar system. In fact, the Rogers Commission noted that a contributing factor to the shuttle disaster was insufficient funding for the job we asked them to do. Are we going to repeat that error by exacerbating those very funding problems? I truly hope not.

If the administration will come forward with a reasonable proposal for funding the fourth shuttle, we will support it.

Another area of concern to me is the meager overall funding for NASA. Americans have always been proud of our civilian space effort. We gloried in the heyday of the Apollo Program. And yet today we wonder why we have all these problems. What happened to the giant leaps of advancement we remember from other years? Well, that's

pretty simple. We have starved NASA. If you look at the trend in NASA's funding since the Moon shots, there should be no surprise at their difficulties. I am frankly amazed at their successes given such meager funding over the years.

I feel it is time we broke out of that self-defeating approach to our space effort. The President has committed himself to a space station, yet there is uncertainty about coming up with the funding to support that commitment. We need to work together to make NASA healthy again, to build morale among those who have dedicated much of their lives to the space program, and to regain the crucial momentum we have lost.

The time has come to rededicate ourselves to achievement in space. There is no lack of vision and daring on the space frontier, but there is a lack of investment. Let us work together to assure that our investment matches our vision.

Mr. GREEN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York [Mr. GREEN] has 15 minutes remaining.

Mr. GREEN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. lBOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I just want to take a moment to commend my colleagues on the Appropriations Committee for producing an outstanding bill which balances our social responsibility with fiscal responsibility. It will be a pleasure to vote for a bill which includes funds for several very important programs, while remaining within the targets set by the budget resolution.

I am especially pleased by the committee's commitment to continuing CDBG's and UDAG's. Although the funding is well below the demonstrated need, it will help to produce jobs and economic development in towns and cities across the country.

Just ask the citizens of Utica, NY, where a UDAG-financed convention center has exceeded expectations, creating jobs and a revitalized downtown. In fact, in 1984 the GAO found that UDAG-financed projects tend to exceed expectations for the number of jobs created and private investment realized. That's a program that pays off, and I am pleased to see the committee realize it.

I am also pleased by our increased commitment to the EPA, whose mandate to protect the environment seems to grow more pressing every year. Poll after poll shows that the American people are willing to pay for a pristine environment, and whether the challenge is acid rain, the Superfund, or clean water, the EPA must be given the resources it needs to research these tough problems and enforce our environmental laws.

The bill provides funds crucial to continue America's commitment to scientific excellence. While the funding levels should be higher, this bill provides money for the National Science Foundation, whose basic research is increasingly concentrating on problems faced by industry. Advances in robotics, supercomputers, and other engineering challenges are vital to improve our economic competitiveness into the 21st century.

And finally, the bill includes money for two small but very important programs, the National Fire Academy and U.S. Fire Administration. These programs help train local firefighters, and enhance prevention and arson investigation. They have contributed to a 50-percent drop in lives and property lost to fire in the past 10 years.

Mr. Chairman, the members of the Appropriations Committee have brought before us a bill which balances many competing interests. As I have explained, they have continued and in some cases strengthened programs which are investments in America's future, and they have done so without losing their fiscal heads. I urge my colleagues to vote yes on this legislation.

Mr. BOLAND. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I wish to commend the members of the Appropriations Committee, the chairman and ranking members for their fine work in crafting this important legislation. I especially want to call attention to an important directive which the committee has included in its report accompanying this bill. In its report, the committee has taken notice of legitimate concerns over the safety and effectiveness of using soil blending technology in the disposition of radioactive soil from Superfund remedial action sites.

In my district, these concerns are very real and close at hand. In fact, the New Jersey Department of Environmental Protection has announced plans and presently engaged in litigation to dispose of tons of radium-contaminated soil from the Monclair/Glen Ridge Superfund site in Vernon Township, NJ. This State proposal to move 10,000 cubic yards of contaminated soil is only a small part of a larger Federal Superfund cleanup involving up to 200,000 cubic yards of additional waste. The DEP's decision has prompted a justifiable outcry from residents in Vernon, because this State lead agency has failed to follow basic public notice procedures which should be standard practice in all Superfund cleanups.

The DEP has failed to convince the people of Vernon that its disposal technology will not pose a real health risk now or in the future. Its decision to dump this contaminated soil was made by the DEP without consulting Sussex County leaders, without notifying the residents of Vernon Township and without full disclosure of its effects on health and safety.

While the State lead agency in this case has sought to avoid Federal public notice and comment regulations by using extraordinary power granted by an Executive order signed by Governor Kean in 1983, the committee today is putting the Environmental Protection Agency on notice that this kind of disregard for establish process will not be tolerated during the Federal second phase of this cleanup action. EPA is directed by the committee to conduct all necessary studies and follow all standard Superfund procedures for review and comment. This assessment should include an evaluation of all reasonable cleanup alternatives, including alternative disposal methods for this radium-contaminated soil. There can be no shortcuts taken when so many questions as to the safety and effectiveness of this new disposal process remain unanswered.

I commend the committee for including this important directive in its report, and I thank Chairman BOLAND and ranking Member, Mr. GREEN (for their efforts on behalf of my constituents in Vermon.

Mr. BOLAND. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Connecticut. [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Chairman, first of all, I want to take this opportunity to commend the chairman of the subcommittee for his hard work in putting this important bill together and bringing it to the House today.

This bill is significant for many reasons, not the least of which are the provisions appropriating funds for the Federal Government's housing assistance programs and for the Veterans Administration. As the chairman of the subcommittee knows, I have served on the Subcommittee on Housing and Urban Development since being first elected to the Congress and, for that reason, I particularly appreciate the dedicated leadership he has shown in the area of housing.

I take this time today, however, not to talk about our housing programs, but rather to discuss the Veterans Administration Hospital in West Haven, CT, and the potential threat posed to its cardiac unit by the VA's plan to close up to one-third of the 51 existing VA heart surgery units.

As you know, Mr. Chairman, the VA hopes to close less busy units and has established 150 heart surgery procedures as its benchmark in determining whether enough procedures are being done to guarantee that our veterans receive medical care from surgeons who are sufficiently experienced.

This plan is shortsighted because it uses an arbitrary figure on the number of procedures, rather than focusing more broadly on the overall quality of care and mortality rates.

Unlike the cardiac units at many other VA hospitals, the VA's cardiac unit in West Haven is almost completely integrated—not merely affiliated—with a teaching hospital, Yale-New Haven Hospital, which indeed is

one of the great hospitals of the world.

According to Dr. Irving Modlin, chief of surgery at the Veterans Administration Hospital in West Haven, just under 100 cardiac procedures were performed there in both 1984 and 1985. However, the combined totals for the West Haven VA facility and affiliated Yale-New Haven cardiac unit is 690 procedures in 1984 and 731 procedures in 1985.

The West Haven VA cardiac unit does not have any itinerant surgeons or doctors who can't make the grade elsewhere. Every surgeon appointed at the West Haven heart surgery facility must be a full faculty member at Yale Medical School. Dr. Modlin himself is vice chairman of the university's medical department.

In addition, Mr. Chairman, the West Haven facility's mortality rate is significantly lower than the average mortality rate for similar procedures. The average mortality rate for heart surgery procedures in VA hospitals is 5.3 percent. At the six VA facilities with the greatest number of procedures the mortality rates range from 5 to 6 percent. In West Haven, the average mortality rate over the last 5 years is 4.8 percent and for 1986 now stands at 2.9 percent.

I am quite familiar with the heart surgery program at the West Haven hospital. They have a comprehensive approach to heart care that includes sophisticated diagnostic work and postoperative care, including a solid postoperative support group system which helps patients make necessary adjustments to their lifestyles and stick with them.

If this unit is closed, the VA will lose one if its best facilities and veterans in my district and throughout Connecticut will be forced to travel to either New York City or Boston for surgery and most diagnostic procedures. Others will have to get their treatment at non-VA hospitals, but at the VA's expense.

This isn't going to save the Government any money or assure that my constituents get the best quality of care.

I wonder if the chairman would enter into a colloquy with me to discuss whether he thinks the VA's heart surgery unit in West Haven is the kind of unit that should be closed down.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I am happy to yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, the gentleman has spoken to me and I understand he has spoken to the minority with reference to the VA's position on cardiac surgery units. This committee is concerned about the movement within the Veterans Administration to limit some of these activities and to change procedures within veterans hospitals.

The statistics that you have enunciated and that you have indicated today, I think, will clearly indicate that the cardic unit in the West Haven Veterans Administration Hospital should not be closed—for the very simple reason that the procedures that are used there are identical to the procedures that are used in the Yale University Medical Hospital. And the personnel involved in operations there are also used at Yale-New Haven; is that correct?

Mr. MORRISON of Connecticut. That is correct, Mr. Chairman.

Mr. BOLAND. I think the gentleman makes a very clear, compelling and forceful case with reference to the VA hospital in West Haven. You have indicated that the mortality rate is running around 2.9 percent, compared to the mortality rate throughout the VA system of better than 5 percent. In addition, the number of procedures has risen to about 700 per year.

Those are impressive statistics. I do not know of any other combination in the United States where you have that kind of affiliation between a hospital of the importance of Yale-New Haven and the West Haven VA that could equal those procedures and those statistics.

I certainly believe that there is great deal of sense to the theory that the quality of heart surgery will depend to a great extent on the experience of the surgeons. To the extent that experience is significant in making a determination about the quality of care at a given facility, it is the number of heart procedures performed by the surgeons themselves that should matter, not where those procedures happen to be performed.

I certainly would express my concern and my opposition, and I am sure the committee would, too, to the closing of the cardiac unit at West Haven.

I want to thank the gentleman for bringing this matter to the committee's attention and assure him that the subcommittee will closely monitor the Veterans' Administration's activity in this area.

□ 1405

Mr. MORRISON of Connecticut. Mr. Chairman, I thank the gentleman. I will look forward to working with him if there are future problems on this, and I thank him for his comments.

Mr. BOLAND. I thank the gentleman.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALGREN], a member of the Committee on Science and Technology.

Mr. WALGREN. Mr. Chairman, I want to urge my colleagues to support the HUD-independent agencies appropriations bill which is before the House today.

This bill contains important dollars to improve the quality of health care services for nearly a half million veterans in western Pennsylvania.

Several years ago I became aware that the Veterans hospital and nursing home facilities in Aspinwall, PA, were outdated and inadequate to meet the needs of our veterans. In fact, the Veterans Administration has called the Aspinwall center one of the four VA centers in the country most in need of reconstruction.

Today, thanks to the leadership of committee Chairman JAMIE WHITTEN, subcommittee Chairman ED BOLAND, and committee member and fellow Pennsylvanian JACK MURTHA, this bill provides $5.3 million for the design and engineering of a new veterans medical center and 250-bed nursing home facility. This is the first step in replacing an outdated and overutilized facility, and I am grateful for the understanding that the Appropriations Committee has so obviously demonstrated to our needs in this area.

I also want to salute my colleague BOB EDGAR who, as chairman of the Hospitals and Health Care Subcommittee of the Veterans' Affairs Committee, visited the old hospital in my district and has worked hard to secure the authorization for this project. BOB, whose record on behalf of veterans is well-recognized, has shown a special sensitivity to the health needs of these citizens.

Mr. Chairman, our veterans deserve the best we can give them in health care in view of the sacrifice so many of them gave to our country. Medical needs of veterans are rapidly increasing as many veterans of World War II reach their sixties and seventies. This new Aspinwall facility will become increasingly important in the years ahead. Over 452,000 veterans live in western Pennsylvania.

I urge my colleagues to join with me in supporting this appropriations bill.

Mr. Chairman, I rise to commend my colleague from Massachusetts [Mr. BOLAND] for his legislative leadership in bringing the HUD-Independent Agencies appropriations bill to the floor. As chairman of the HUD-Independent Agencies Subcommittee, Mr. BOLAND has accomplished the difficult task of crafting a balance between the urgent necessities of subsidized housing and the important work of Federal agencies such as the National Science Foundation.

Recently, the Congress passed and the President signed the National Science Foundation Authorization Act for fiscal year 1987, Public Law 99-383. This new law reflects our shared belief that basic research and the National Science Foundation play a unique role in our long range economic well being.

No Federal agency other than the National Science Foundation provides such a wide scope of support to colleges and universities although the NSF budget is relatively small, it is the primary source of support for fundamental science and engineering research and education. As research advances the frontiers of basic scientific and engineering knowledge, our Nation grows stronger in world economic competition.

I want to take this opportunity to thank Mr. BOLAND for his continued support for research and the National Science Foundation. Also, I urge the Chairman and the other House conferees, to seek a level of funding for NSF, when negotiating with the other body, that reflects our near unanimous support for basic research.

Mr. GREEN. Mr. Chairman, I yield such much time as he may consume to the distinguished ranking minority member of the full Committee on Appropriations, the gentleman from Massachusetts [Mr. CONTE]

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 5313, the fiscal year 1987 appropriations bill for the Department of Housing and Urban Development and Independent Agencies.

This is the 11th regular fiscal 1987 appropriations bill to come before the House. It is, however, the 10th bill we have reported that is considered by OMB to be veto bait. For the RECORD, I will include a copy of the administration's official policy statement dated September 12. But I say to my colleagues that I do not agree with these objections. This is a good bill, and one that deserves your support.

At $39.8 billion, this is the second largest bill in terms of discretionary new budget authority that we have seen this year. Our largest, so far, of course, has been Agriculture at $42 billion. And we can only imagine how much larger that one will grow by this fall when the money trees are bare and we have to sprout another supplemental or two for the CCC.

I regret to say that we'll need a supplemental for this bill, too, Mr. Chairman, to release funds being withheld for lack of authorization. And I say that with all due respect for my colleagues from Massachusetts and New York, the distinguished and able managers of this bill.

Because they have produced a good bill under the most difficult of circumstances.

It is a bill that restores over $6.9 billion of unacceptable cuts in the area of housing and community development, and provides the maximum possible level of funding for veterans medical care and environmental protection.

It is a bill that fully funds our mandatory programs.

And—most important to those who have supported blind, across-the-board cuts—the bill lies within our 302(b) allocations of budget authority, outlays, direct loans, and loan guarantees.

And it totals $4 billion below the 1986 program levels, primarily because we were not able to include funds for the unauthorized general revenue sharing program.

As was pointed out during the debate on the rule, however, most of the funding recommended in this bill is for programs and activities whose authorities are currently expired or are soon to expire. These involved funds for 10 of the 18 agencies, offices, and boards covered by this bill.

With greater deference than is perhaps due at this late date to our authorizing colleagues, we are reserving over $3 billion in funds subject to release in future appropriations acts.

For the second year in a row, we are unable to provide Superfund or EPA construction grant funds without strings. This is a shame, Mr. Chairman.

In the case of NASA, clearly one of our most troubled Federal agencies, we have been forced to take the lead on issues ranging from the space station to the Orient Express without benefit of legislative guidance or timely budget amendments from the administration.

I think that most of the problems we have encountered in drafting this bill, Mr. Chairman, represent the worst-case scenarios regularly faced by our Appropriations Committee.

The Budget Committees present us with outlay ceilings that have little realistic relation to our budget authority ceilings. The legislative committees are unable to act in a timely manner or are unable to reach agreement with conferees from the other body.

The administration proposes reductions in programs that are impossible to accept. But we must juggle and shift, guess and commit.

I commend the members of the HUD subcommittee and all of my colleagues on the full committee for their efforts to make these tough choices and to make them well.

Most Members, I would hope, will be pleased with our recommendations. We have provided for 12,000 units of elderly and handicapped housing, we have $3 billion for CDBG's, we have another $70 million for emergency food and shelter grants, and $9.5 billion for veterans medical care.

But there are some who will be disappointed.

Our budget allocations have not left us enough for school asbestos abatement loans and grants. Our UDAG Program appears to be on its last, short leg.

And we can never add enough for public housing modernization.

Then there's revenue sharing. I have no doubt that we will see a provision in the conference report for $3 or $4 billion for revenue sharing. I have been a strong supporter of this program for many years.

I'd like to support it again if someone can tell me where we're going to get the revenue to share. We could not seem to find it over in that conference on the simplified tax bill, that's for sure.

We have our share of special legislative provisions, and we have assumed some increases in programs that our colleagues may not support. In some cases, I regret that we had to take cuts. For example, the UDAG Program has been cut 13 percent from the 1986 level; $275 million was all we could get. I have to wonder whether it's worth having a program at all at this level. But we ought to give full consideration to these issues here and now. If there are problems with our recommendations, let's determine the will of the House today.

Let's not surrender the authority and responsibility of 432 Members to one President with a red pen.

Mr. Chairman, I urge support for our bill.

STATEMENT OF ADMINISTRATION POLICY

SEPTEMBER 12, 1986.

H.R. 5313, HUD/INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1987

(Sponsors: Whitten, Mississippi; Boland, Massachusetts)

The President's senior advisors will recommend veto of this bill in its present form. The bill provides $1.6 billion more than the President's request and nearly $370 million more than the CBO/OMB average Gradison baseline specified by Gramm-Rudman-Hollings for budget authority for discretionary programs other than subsidized housing, substantial increases above the requested level for subsidized housing programs, and several objectionable language provisions.

Past economic activity as well as revised economic assumptions point to slower growth and a higher projected deficit than was forecast earlier. In the Administration's opinion, as well as that of the Congressional Budget Office, the Congressional Budget Resolution, including its allocation to the HUD Appropriations Subcommittee, will be inadequate to avoid the necessity of a Gramm-Rudman-Hollings sequester. The Administration believes Congress should act to cut spending in areas of lower priority in the bill so that a sequester, which would hit high-priority and low-priority areas alike, can be avoided.

The major areas of concern are:

The inclusion of $275 million in unrequested funding for HUD Urban Development Action Grants, continuing an inefficient and unnecessary program;

An increase of $600 million above the President's request for EPA construction grants;

An additional $403 million in unrequested funding for VA, Medical Care, which is not necessary for the continued provision of quality health care to the nation's veterans and for the administration of the means test and third party reimbursement;

$225 million in unrequested funding for the HUD Rental Housing Development Grant program, an expensive, poorly target-

ed program that subsidizes housing for middle and upper income families.

$250 million for the HUD Rental Rehabilitation Grant program that was not requested and that more than triples the 1986 appropriations.

Funding increases in salaries and expenses accounts that are not consistent with corresponding Committee action on related program levels;

The inclusion of language linking vouchers to the rental rehabilitation grant program, despite passage last month by the House of a bill that would relax this relationship; and

Objectionable Committee language prohibiting the Veterans Administration from implementing their management proposal to consolidate the operation of insurance programs. The VA proposal would save $7.75 million over six years.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, I rise in support of H.R. 5313, HUD appropriations for fiscal year 1987. I would like to congratulate the chairman, Mr. BOLAND, and the ranking Republican, Mr. GREEN, as well as members of the Appropriations Committee on which I proudly serve for their efforts in producing this fiscally responsible and well drafted legislation.

This appropriations bill includes $1.6 billion in fiscal year 1987 for the National Science Foundation which is responsible for the development of a national science policy and for the support and promotion of basic science research and education. NSF also promotes the development and coordination of engineering education both at home and abroad. Through a variety of grants, contracts, and other agreements awarded to higher education institutions, such as the University of Michigan in Ann Arbor, and nonprofit and other research organizations, NSF is able to support fundamental, long-term research in all the scientific and engineering disciplines.

Mr. Chairman, I support the funding levels included in this bill for the National Science Foundation and other programs and I am particularly gratified that this bill falls below levels set by the congressional budget resolution as well as appropriations provided in last year's bill. H.R. 5313 stands as both a fiscally responsible effort to reduce the Federal deficit and a well crafted initiative for necessary education and research programs.

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I want to commend the Committee on Appropriations for its work on the housing provisions of this legislation. The committee has placed the appropriate emphasis on rehabilitation and modernization, rather than on costly new construction programs. At a time when the Federal budget is stretched to the limit, the committee bill gives us the most possible housing for our money.

I especially want to commend the committee for its added emphasis on vouchers. The bill before us provides for 53,500 vouchers, which will be both free-standing and used in connection with the rental rehab program.

During the debate on H.R. 1, the Housing authorization, I added an amendment that removed the requirement that substantially all housing vouchers be used in connection with the rental rehabilitation program. This legislation effectively reinforces that position by providing funding for a significant number of free-standing vouchers.

The Housing Voucher Program offers greater freedom of choice than any other rental housing programs. It allows participating families to decide for themselves the tradeoff between choice of neighborhood, style of housing, and the share of the family budget they wish to devote to housing.

Vouchers essentially act as income supplements to improve a low-income family's ability to meet its shelter needs. The voucher allows an assisted family to obtain decent, safe and sanitary rental housing and guarantees payment to the landlord for a portion of the rent. The voucher approach makes use of existing rental stock on the private market and encourages recipients to shop for units.

Vouchers are much less costly and more efficient than new construction programs. They can serve more families immediately. They are more portable than other types of housing assistance and they allow recipients the maximum amount of freedom of choice and flexibility.

Many people believe that vouchers are the wave of the future in terms of housing assistance for low-income families. The Appropriations Committee's emphasis on vouchers will allow the program to operate more effectively, and will go a long way toward determining the future of the voucher program.

I want to express my concern, however, that this legislation caps the FHA's obligation ceiling at $80 billion. If the housing market remains strong through next year, the $80 billion limit will be much too low.

In the past year, the FHA has experienced six different shutdowns, causing great hardship for borrowers, lenders, realtors and a host of other third parties. FHA is a vital Federal housing program that has enabled millions of Americans to realize the dream of home ownership. If we are to continue to reap the full benefits of FHA, we must at all costs act to restore confidence and stability to the program.

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the distinguished majority whip, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman, the gentleman from Massachusetts [Mr. BOLAND], and to express my grave concern regarding a proposal currently being considered by the Veterans' Administration which calls for closing the Walla Walla Veterans Medical Center and converting the facility to an outpatient clinic. I hope you will concur with my assessment that this plan is ill-advised, unwise and should be withdrawn.

Currently as estimated 75,000 veterans residing in largely rural areas of southeastern Washington, northeastern Oregon, and central Idaho rely upon the Walla Walla veteran's facility for inpatient medical attention. If the current 150 inpatient beds at the Center are eliminated, these veterans and their families will not only be cut off from direct access to a VA acute care facility but will also be forced to travel great distances to receive needed inpatient care in urban VA facilities located hundreds of miles away in Spokane, Seattle, Boise or Portland. For many veterans who rely upon the Walla Walla VA Center for inpatient care—those with serious service connected disorders and countless destitute and older veterans, I fear closure of the Center's acute beds would effectively keep them in many instances from securing critically needed medical attention.

Equally significant in such cases is the profound impact such a far-reaching mission change would have on the Walla Walla economy which is already feeling the effect of a depressed farm economy. With an annual budget of $12 billion, the Walla Walla VA Medical Center stands as the third largest employer in the community, employing more than 300 medical and auxiliary staff members. In addition to an estimated $9 million annual payroll, the center infuses the local economy with several million dollars in service, supply and construction contracts. If this proposed mission change is implemented, it is predicted the Center's staff will be reduced to 40-50 employees and its annual budget slashed more than $89 million, a certain disastrous loss for any small community.

Perhaps most disturbing is the lack of consideration VA officials have shown toward the Walla Walla community which is understandably distressed by the prospect of this mission change becoming a reality. Since the proposal first surfaced earlier this year, community leaders and representatives of VA organizations have attempted to understand the VA's argument that budget constraints prevent continued full operation of Walla Walla facility and have tried to work with VA officials to reach some accommodation that would keep the facility open by substituting nursing home

beds or other alternative services for the present inpatient beds. To date, the VA has largely ignored the local community's pleas to be drawn into the planning process and has repeatedly refused to share pertinent data that might justify such a major change of mission.

Finally, there is a great deal of dispute over whether this mission change would actually save the VA money. At a minimum, many of those workers who will likely be dismissed will have to be paid severance pay; the VA will certainly incur substantial close-out costs and some added costs by transferring the Walla Walla inpatient case load to either local hospitals on a contract basis or other VA facilities. Finally, part of the Center is listed on the National Historic Register and the VA will be required to maintain that portion of the facility.

Given these facts, I hope you would concur that the most prudent course would be to restrain the VA for fiscal year 1987 from proceeding with this plan.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I certainly agree with the gentleman from Washington [Mr. FOLEY] that this proposal to convert a medical center to an outpatient clinic is unsound and would certainly have a devastating impact on the Walla Walla community. I share his concern that the VA has apparently not considered all of the ramifications of this proposal, and agree that we should do everything possible to see that the VA does not proceed on its current course. I will certainly work with the majority and minority members of the committee to that end.

I appreciate the comments of the gentleman from Washington.

Mr. FOLEY. I thank the gentleman.

□ 1415

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I would like to take this opportunity to thank the members of the committee who supported the Loeffler amendment during committee markup of this bill. I especially want to acknowledge the bipartisan effort by my colleagues from Texas to ensure that the Johnson Space Center and the Houston area would not be dealt another and unwarranted blow. The adoption of the Loeffler amendment was recognition that the success and longevity of our space station are paramount.

With the space shuttle tragedy on January 28, NASA—and our space program—entered a difficult period of self-searching. NASA is now trying to regroup and regain its status as the world's premier space program.

On June 30, NASA announced a multipart restructuring plan for the space station program. The plan involved not only appointment of an associate administrator for the space station, but the movement of midlevel NASA management to Washington and the shifting of space station work between various centers.

Like many Members of Congress, I was shocked and outraged that NASA would make a significant structural change in the space station program without first conferring with Congress. I was particularly concerned that NASA failed to carefully study the cost effectiveness of shifting work between various centers.

These are the reasons I joined with my colleague TOMMY LOEFFLER, to draft an amendment that would force NASA to stop and closely reexamine its proposed restructuring plan. The Loeffler amendment simply gives Congress the opportunity to provide oversight and direction to NASA. It does not prevent the transfer of midmanagement personnel to Washington.

Finally, I would like to commend NASA for their great progress in the reexamination of the proposed space station reorganization plan. Since the announcement on July 31 to put the space station reorganization plan on hold, NASA has made every effort to work with Congress to reach a more acceptable plan for the space station program.

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SCHUMER], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, I would like to add my accolades to the chairman of the subcommittee and the ranking minority member for an excellent bill. It is no secret that in these days of budget constraints housing is under severe attack. What I would like to say to my colleagues here is that under this bill and under previous bills housing has really done its fair share in terms of the budget problems we face in America. We had a HUD bill that originally was close to $31 billion. We are now down in the vicinity of somewhere near $8 billion. We are building many fewer units of housing for people who cannot afford to house themselves. We have seen the effects of the crisis among the very poor with an increase in the number of homeless and the effect among the middle income for whom the American dream is fading rapidly into the dawn because they are running out, they do not have enough money to house themselves.

I want to particularly thank the chairman for adding an increased appropriaton for the HODAG Program and also the ranking minority member.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise in strong support of this bill. It provides $101.2 million for the construction of a new Veterans' Administration hospital for Baltimore, MD. For at least 5 years, members of the Maryland delegation and the veterans' organizations have been working hard and lobbying for the construction of this new hospital.

It has not been an easy or smooth path. Many people expressed concern over the construction of this hospital. The Veterans' Administration, the veterans of Maryland, and the members of the Maryland delegation never questioned the need for the hospital because it is needed to meet the needs of Maryland's veterans. This year, the President recognized the tremendous need and included funds for construction of the hospital in his fiscal year 1986 budget.

The chairman and the committee saw fit to provide the necessary funds in this bill. On behalf of the Maryland delegation, the city of Baltimore, and the veterans of the State of Maryland, I would like to express my sincere appreciation to the committee and its staff for their action and assistance.

I strongly urge the adoption of this legislation.

Mr. GREEN. Mr. Chairman, I yield 1 minute to my distinguished colleague on the subcommittee, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I want to express my compliments and appreciation for the work of both the chairman and ranking minority member of our Subcommittee on Appropriations. It should be pointed out once again to the House that the subcommittee has done its work extremely well. The bill as reported is approximately $4 million under BA and $407 million under in outlays. We are some 7 percent below the 1986 appropriations.

There has been considerable effort to restrain ourselves in this bill. I particularly would like to mention my support for the funding of NASA and add to that support the comment that last week NASA successfully launched a Delta rocket from Kennedy Space Center. The launch was perfect and the SDI-rated mission was considered 100-percent successful. In another successful launching of the Aries-class rocket from White Sands once again we saw that NASA is on course. We are indeed back in space, hopefully with more success for the future.

I appreciate the time and support of the chairman.

Mr. GREEN. Mr. Chairman, how much time remains on this side?

The CHAIRMAN. The gentleman from New York [Mr. GREEN] has 4½ minutes remaining.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

May I say that on balance I think this is a very good bill. I think the committee has done its work well and has shown remarkable restraint in many areas in the bill, and that is something that I do not usually say.

As the ranking Republican on the NASA Subcommittee, I also want to thank the committee for their cooperative efforts with us for what they have done with regard to the NASA programs. I think it has been a very difficult time and that this bill reflects the need to rebuild NASA.

One thing I am somewhat disappointed by is in finding some of these spending cuts that the one place that the committee did go into was the hypersonic. The administration requested an appropriation of $45 million in order to get the hypersonic aircraft moving. This is really the future of out space program.

It offers low-cost delivery systems into space, it is the chance that by the next century this Nation will have really moved markedly ahead in space by having a vehicle that can take off from runways and fly into space as a single vehicle. That is a really important technology. We need to move on it very quickly because it offers hope not only for space transportation but also as the craft that will allow us to fly from New York to Tokyo in 2 hours or coast to coast in 15 minutes. That will change the economics of this country, it will change the economics of the world, it is an important advance for the future, and I think it is technology we have to be aggressive about pursuing. But beyond that, I think the committee has done an excellent job on NASA.

I thank the gentleman for yielding the time.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I note that this bill is below the BA of last year. I commend the committee on bringing in a bill of this kind. I have been making a number of amendments to try to insure a freeze. The subcommittee has frustrated me by bringing in a bill which makes it impossible for me to do such a thing. On the other hand, I note that most of the savings in the bill occur by reason of the elimination of any funds for revenue sharing, a total of about $4 billion, I think. Therefore, the savings in the bill are ephemeral. It is my understanding further that the chairman of the Committee on Appropriations intends to put revenue sharing in our continuing resolution, thus making a mockery out of the savings that are in this bill. And I would ask the gentleman from New York if he understands that that is the case or if he can shed some light on this spurious or truthful rumor?

Mr. Chairman, I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I would not presume to speak for the chairman of the Committee on Appropriations, but it is my understanding that in the allocation under section 302(b) of the Budget Act of the several subcommittees some $4 billion was reserved by the full committee. One potential for which it could be used would be general revenue sharing. But that was accounted for in the budget process. The full committee explicitly decided, and we did have a debate on this during the consideration of this measure in the full committee, not to proceed with general revenue sharing on this bill because general revenue sharing expires September 30 and has not been reauthorized by the House.

Mr. FRENZEL. I thank the gentleman for his comment.

Mr. Chairman, it is obvious then we are looking only at the tip of the iceberg and there is $4 billion to follow. "Sic transit" frugality, it is gone again.

For that reason I am not going to be able to vote for the bill.

Mr. EDGAR. Mr. Chairman, I rise in support of H.R. 5313, the fiscal year 1987 HUD-independent agencies appropriations bill.

Mr. Chairman, let me first acknowledge the great leadership and hard work of the distinguished chairman of the subcommittee, the gentleman from Massachusetts [Mr. BOLAND] and to the equally distinguished ranking minority member of the subcommittee, Mr. GREEN.

The bill they have helped to bring to the floor today, if it is adopted, will provide a current services budget for Veterans' Administration medical care for fiscal year 1987. This is the kind of budget that I recommended as chairman of the Veterans' Affairs Subcommittee on Hospitals and Health Care and this is the kind of budget that was recommended by the full Committee on Veterans' Affairs. With the authorizing and appropriating committees working together as they have done for this budget, the House will be able to continue telling our veterans in very real terms that our commitment to them continues.

Mr. Chairman, I am especially pleased that we have been able to secure funding for the design of the Aspinwall Division Replacement Medical Center in Pittsburgh, PA. It is a sorely needed project and one that is long overdue.

Mr. Chairman, it is important for us to understand how the VA has responded to the tight constraints in budgets over the last several years. Over these past years, the number of inpatients treated in VA Hospitals has grown by 24 percent. Visits to VA outpatient clinics have increased by 62 percent. The number of prescriptions filled by VA pharmacists has increased by 47 percent. The number of veterans over age 65 who are cared for in VA hospitals has increased by 51 percent. The number of beds operated by the VA has declined by 18 percent and the number of patients treated per year in the same VA bed has increased by nearly 50 percent.

That impressive increase in medical services has been accomplished with almost no increase in resources. The ability of the VA to achieve this remarkable record is partly due to changes in medical technology and computer support, but it is mainly due to the real dedication of the VA medical care staff and their ability to deliver high-quality medical care within a current services appropriation, such as the one we are considering today.

I know that the funds in H.R. 5313 for the VA will be used effectively for our Nation's veterans in maintaining our commitment to them and I urge my colleagues to support it.

Mr. DAUB. Mr. Chairman, I rise in support of the H.R. 5313, the Department of Housing and Urban Development-independent agencies appropriations bill for fiscal year 1987. The Appropriations Committee has done a fine job in crafting a bill that is in line with the budget resolution and the 1986 appropriated level.

I have heard from numerous constituents in Nebraska's Second Congressional District who have a strong interest in the funding for housing and veterans programs contained in this bill. H.R. 5313 provides essential funding in these areas, while also reflecting fiscal restraint.

H.R. 5313 to a large degree reflects the sentiments of the House that were promulgated during consideration of the housing authorization bill (H.R. 1) in June. Specifically, the bill we are considering today emphasizes public housing modernization by appropriating a total of $1,436,940,000 in this area. This level of funding reflects a vote during consideration of H.R. 1 that mandated an emphasis on repairing our existing public housing stock before proceeding with much more costly new units. Such a policy can dramatically improve this Nation's housing stock in a cost-efficient manner.

Also, H.R. 5313 provides essential funding for section 202 housing for elderly and handicapped units and for community development block grants [CDBG's]. I strongly supported congressional override of the administration's proposed deferral of CDBG funds in fiscal 1986, and I am pleased that H.R. 5313 provides the same level of funding in this area as in fiscal 1986.

With respect to the Veterans' Administration provisions contained within this legislation, I am in strong support. Included among the provisions: Funding for the proposed 3.7 percent cost-of-living [COLA] increase, financing of $741 million for veterans readjustment benefits, and $6.5 million which will be used to hire additional employees for the VA Loan Guaranty Program—a most welcome move to alleviate the application backlog resulting from dramatically reduced mortgage rates.

I commend the Appropriations Committee's inclusion of language in H.R. 5313 blocking

the closure of the St. Paul Insurance Center. The VA has proposed to consolidate the St. Paul Center into the Philadelphia Insurance Center. The General Accounting Office is currently studying the feasibility of this approach, and by including a delay on the consolidation plan, we will prevent any unnecessary confusion and concern that may result from the premature implementation of this proposal.

Finally, I am especially pleased to highlight the inclusion of an additional $396 million to prevent any reductions in the staffing levels of our VA hospitals—which would have otherwise occurred due to a lack of adequate Federal support. This has been an ongoing concern of the growing number of veterans in Nebraska who rely on the quality of care they now receive in our VA hospitals.

Again, this is a good bill that provides essential funding for a wide variety of programs, and I urge the Members to support H.R. 5313.

Mr. ARMEY. Mr. Chairman, I would be remiss if I did not point out that I would be rising to offer a line-item veto amendment to this bill if the rule permitted me.

This Appropriations Subcommittee, and all the subcommittees, have a difficult job when it comes to prioritizing funding contained in this and other spending bills. Under the leadership of Mr. Boland, the HUD and Independent Agencies appropriation bill is under last year's level of spending. For this, the chairman and the members of the subcommittee are to be commended.

But let me remind Members that last year's level of spending left us with a projected deficit of $230 billion. Coming in under last year's level just isn't enough, it won't begin to meet Gramm-Rudman-Hollings deficit targets. We must go further on this spending bill and all others.

Let me, then, put Members on notice that I'll be attempting to add limited line-item veto language to the continuing resolution when it comes before us. Business as usual, or even last year's level of spending, just isn't good enough. It amounts to a recipe for massive across-the-board cuts. We must go further, and I believe that line-item veto authority can help us put our Federal Government back on a sound financial footing.

Mr. MCEWEN. Mr. Chairman, I rise in support, along with my colleague from Ohio, TONY HALL, in behalf of the Veterans' Administration's budget which contains $8.4 million for the modernization of the VA Medical Center in Dayton, OH. This facility was constructed in 1931, and it has not been significantly renovated since that time.

In my view, if we are to continue our commitment to care for America's veterans, it is essential for the Congress to approve the funding for this project. Brown Hospital is the third oldest facility in the Nation. It serves 28 counties in southwestern Ohio and a total veteran population of 387,000. When the modernization of this hospital is completed, the building will accomodate medical, surgical, and psychiatric beds, as well as selected diagnostic treatment and support functions. But more importantly, this effort will enable the dedicated professional and medical staff of Brown Hospital to continue to give quality care to their patients.

Mr. Chairman, I strongly urge my colleagues in the House to support this important project and the veterans in southern Ohio.

Mr. FORD of Tennessee. Mr. Chairman, I rise today to express my support for the provisions of H.R. 5313 relating to housing programs and community planning and development. In a time when so many in this Chamber are making their political mark by cutting every budget in sight, some of us must stand strong for programs without which many in our Nation will die a slow death.

I am proud to stand in agreement with my House colleagues, particularly those on the Appropriations Committee, who will vote for this bill's increase in funds for housing assistance and community planning programs. It is clearly apparent that we cannot throw money at all the Nation's problems given the deficit crisis. But we cannot act irresponsibly in stopping the flow of critically needed dollars for our communities.

Winter is coming. Winter kills homeless people on the streets. The homeless people are men, women, children—they are families. I urge my colleagues on both side of the aisle to vote in favor of sane and responsible spending to support our communities and the families and individuals in our communities in need for quality affordable housing.

Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 5313, the HUD appropriations bill for fiscal year 1987. I commend Mr. BOLAND, Mr. WHITTEN, and my colleagues on both sides of the aisle for their hard work in bringing this comprehensive, bipartisan legislation to the House floor.

While I would have liked to have seen the Federal Government reclaim more of its responsibility for providing housing to low-income individuals, H.R. 5313 reaffirms Congress' belief that housing assistance to the neediest of Americans has been cut back to its barest minimum. For low-income Americans in particular, recent Federal budget cuts initiated by the President have intensified the severe shortage of suitable housing arrangements. In my own city of Los Angeles, for example, for every needy older adult who needs assistance, another 10 remain on the waiting list.

As the chairman of the Select Committee on Aging, I have received testimony throughout the country attesting to the complex challenge we face as a nation in meeting the housing and service-related needs of our rapidly growing older population. Older Americans differ greatly in terms of their health status, activity limitations, economic resources, and the availability of family or community supports. Housing policies must be flexible enough to adapt to a variety of circumstances and help facilitate timely living arrangements and assistance as they become necessary.

H.R. 5313 recognizes this fact by maintaining a number of highly successful and cost-effective policy initiatives for assisting low-income older Americans. The Congregate Housing Services Program (CHSP), for instance, prevents unnecessary institutionalization by providing both the shelter and service needs of functionally impaired or socially isolated seniors who do not require constant supervision or intensive health care. In many communities which have not benefited from the CHSP, a lack of supportive housing arrangements forces families to inappropriately place frail older adults in nursing homes—at great cost to families and to publicly supported programs. H.R. 5313 ensures that sufficient funding is available during fiscal year 1987 to prevent vulnerable low-income senior citizens who are presently assisted through the CHSP from being displaced from their homes.

This legislation also provides funding for approximately 12,000 units of one of the Federal Governments most successful efforts—the Section 202 Program. Combined with section 8 low-income rental assistance, this program has provided numerous communities with a major source of safe, decent and affordable housing for low-income senior citizens and handicapped individuals.

In short, Mr. Chairman, I support H.R. 5313 because it reaffirms the fact that low-income housing assistance cannot be reduced any further without substantial and tragic costs to older Americans, families, and other vulnerable individuals. I urge my colleagues to support this important legislation.

Mr. BONER of Tennessee. Mr. Chairman, I rise in strong support of the HUD-independent agencies appropriations bill, H.R. 5313.

As a member of the HUD Appropriations Subcommittee, I would like to express my appreciation to our chairman, Representative ED BOLAND of Massachusetts. Chairman BOLAND does a tremendous job each year leading our subcommittee in drafting a fair and balanced bill.

This year, he again led the committee in fashioning a good bill. And I would like to point out for the benefit of all Members that the chairman's task was particularly difficult, following as it did not only the passage of Gramm-Rudman-Hollings, but also the tragic accident involving NASA's shuttle *Challenger*.

An outline of the bill's provisions has already been given to Members. I would like to briefly discuss two areas of the bill which concern me greatly. The first is NASA, its future, and that of our Nation's Space Exploration Program. The second area is the credit ceiling for the Federal Housing Administration's Mortgage Guarantee Program.

As Members know, the explosion of the shuttle interrupted the forward progress of our Nation's Space Exploration Program. The investigation of the explosion and NASA's own administrative practices has identified quite a few technical and administative problems that will be corrected. It has also reopened the debate on the role of the shuttle program, the future of space commercialization, and several other important policy areas.

I hope that the debate, particularly among administration policymakers, is nearing conclusion. Important decisions about the shuttle program, about, commercialization, and about the space station, need to be made—and soon. In this regard, I commend the efforts of our colleague BILL NELSON, chairman of the Space Science and Applications Subcommittee, in encouraging the administration to make recommendations and present them to Congress for consideration. To date, the absence

of specific administration recommendations appears to be the result of infighting, inattention, and the lack of leadership.

Our Nation's Space Exploration Program is to important to allow it to languish. Progress in constructing the space station is too dependent on decisions that must be made soon to permit further unnecessary delay. Scientific research programs utilizing both shuttle and station are too promising to postpone indefinitely. Thus, as a member of the HUD Appropriations Subcommittee, I will work with my subcommittee colleagues and with members on the Science and Technology Committee in moving the decisionmaking process forward.

The second program which I would like to bring to the attention of my colleagues is the Federal Housing Administration's Mortgage Insurance Program.

H.R. 5313 limits the FHA mortgage insurance credit ceiling to $80 billion. During the subcommittee markup, the members approved a $97 billion ceiling, which was the requested amount. This ceiling was reduced at the full Appropriations Committee markup because the higher level would have exceeded the subcommittee's section 302 credit allocation provided under the concurrent budget resolution.

Assuming that a healthy and active housing market continues through this coming year, the $80 billion FHA insuring authority provided in the bill for next year will fall far short of what will be needed. Members will recall that FHA's insuring authority ran out twice this year, resulting in a tremendous disruption in the housing market, including processing backlogs and delays and uncertainties for home buyers and sellers. To avoid repeating this result, I hope the HUD appropriations conferees will agree to a FHA ceiling of $100 billion. Thus, I appreciate Chairman BOLAND's continued commitment to join me and other members in supporting a higher level in conference.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 10, 1986.

Hon. WILLIAM HILL BONER,
House of Representatives,
Wahington, DC.

DEAR BILL: Thank you for your efforts to increase the 1987 Federal Housing Administration mortgage insurance credit ceiling. We both agree that the FHA ceiling needs to be raised above $80,000,000,000.

The Subcommittee's recommendation was for a $97,000,000,000 ceiling. That recommendation was reduced to $80,000,000,000 in full Committee because of a concern with exceeding the Subcommittee's section 302 credit allocation.

Because of the parliamentary situation, I believe it would be better to let the Senate increase the FHA ceiling. Of course, I would support a higher level in conference.

Thanks again for your help in this matter.

Sincerely,

EDWARD P. BOLAND,
Chairman, Subcommittee on HUD-Independent Agencies.

H.R. 5313 is a fair and balanced bill. It provides funds for a number of important programs benefiting all Americans and continues our Nation's commitment to assist veterans, older Americans, low-income individuals and families, among others. The bill reflects many hours of hearings and many difficult program choices and I urge my colleagues to support its passage.

Mr. SCHEUER. Mr. Chairman, I rise in support of H.R. 5313, which makes appropriations for the Environmental Protection Agency for fiscal year 1987.

The distinguished chairman of the subcommittee, Mr. BOLAND, and the ranking minority member, Mr. GREEN, have brought to the floor a bill that provides funding for important EPA research programs.

In several key areas, the bill provides additional funding that is consistent with the research funding provisions of H.R. 4634, the EPA's research and development authorization bill, which was reported by the Natural Resources Subcommittee of the Committee on Science and Technology.

For example, the bill restores $3 million to a Competitive Grants Program in which leading university researchers can conduct peer-reviewed, long-range research needed to detect emerging environmental problems and to improve our understanding of environmental processes.

The bill also directs $3 million to support the Health Effects Institute, a unique and highly promising joint research effort equally funded by the automotive industry and the EPA. The Natural Resources Subcommittee has been highly impressed by the HEI Program to date and strongly supports this continued funding.

Research on indoor air pollution and residential radon mitigation, which have been previously identified as areas of critical importance in hearings before the Natural Resources Subcommittee, would also receive increased funding under the bill.

I am concerned, however, about the committee's reduction of $6 million and 100 positions from EPA's In-House Research Program. While the funding would not be significantly below current fiscal year 1986 levels, the bill rejects the administration's proposed 4-percent increase for EPA's in-house research. The administration apparently agreed with the Agency's independent Science Advisory Board that EPA's In-House Research Program had been cut to the bone and was "seriously underfunded."

While I share the committee's frustration with several aspects of the management of EPA's In-house Research Program, I do not share the view that the appropriate response is to reduce the funding available for research. The answer to bad research is not to end all research, but to correct the problems.

A new Assistant Administrator for Research has been nominated by the President, and we should give him the tools and the funds to make the necessary changes. We hope, in the coming months, to work cooperatively with the committee and the new Assistant Administrator to correct some of these problems.

Overall, however, the bill recognizes the fundamental importance of adequate funding for EPA's Research Program. Additional funding for extramural research provides a needed increase over the President's request. Time and again, scientific uncertainty has hampered the development of cost-effective, rational environmental regulations. Only an investment in the underlying research and science will help resolve those uncertainties.

I commend the Appropriations Committee for their work on this bill and I urge its adoption.

The CHAIRMAN. The gentleman from New York has one-half minute remaining.

Mr. GREEN. Mr. Chairman, I yield back my one-half minute.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 5313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1987, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriations Acts, is increased by $638,280,885: *Provided,* That the budget authority obligated under contracts for annual contributions shall be increased above amounts heretofore provided in appropriations Acts by $8,095,000,000: *Provided further,* That of the budget authority provided herein, $366,120,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families; $1,436,940,000 shall be available as an appropriation of funds, to remain available until expended, for modernization of existing public housing projects pursuant to section 14 of such Act (42 U.S.C. 1437l); $1,602,786,540 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); $790,950,000 shall be for the section 8 existing housing program (42 U.S.C. 1437f); $716,287,500 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f); $1,025,000,000 shall be available for the housing voucher program under section 8(o) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), for use, notwithstanding the limitations in section 8(o)(1) of such Act that the Secretary conduct a demonstration, and in section 8(o)(4) of such Act that the Secretary use substantially all authority in connection with certain programs, in connection with the rental rehabilitation program under section 17 of such Act and for any other purposes as determined by the Secretary; $250,000,000 shall be available as an appropriation of funds, to remain available until September 30, 1987, only for rental rehabilitation grants pursuant to section 17(a)(1)(A) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437o); and $225,000,000 shall be available as an appropriation of funds, to remain available until September 30, 1987, only for development grants pursu-

ant to section 17(a)(1)(B) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437o): *Provided further,* That with respect to grants as authorized by section 17(a)(1)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437o) which are made using funds under this paragraph, notwithstanding the rental housing vacancy rate criteria of the third and sixth sentences of section 17(d)(2) of such Act, no unit of general local government shall be eligible for such a grant unless it has a percentage of rental dwelling units which are vacant of less than eight per centum, and a percentage of rental dwelling units which are vacant for more than two months of less than four per centum, except that the housing vacancy criteria specified in this paragraph shall not apply to grants authorized by the seventh sentence of such section 17(d)(2): *Provided further,* That none of the amounts available for obligation in 1987 shall be subject to the provisions of section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): *Provided further,* That all amounts of budget authority (and contract authority) equal to the amounts of such budget authority (and contract authority) which are recaptured during fiscal year 1987, shall be rescinded.

Section 17(f) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "This subsection shall not apply to requirements relating to rents imposed on a structure by a State as a condition of receiving State financial assistance for the rehabilitation of such structure, if the dollar amount of such State financial assistance (including the principal amount of loans) exceeds the dollar amount of financial assistance provided for such structure under this section.".

RENT SUPPLEMENT

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) is reduced in fiscal year 1987 by not more than $2,900,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1987 by not more than $3,500,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

In 1987, $592,661,000 of direct loan obligations may be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), utilizing the resources of the fund authorized by subsection (a)(4) of such section, in accordance with paragraph (C) of such subsection: *Provided,* That such commitments shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided further,* That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped: *Provided further,* That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: *Provided further,* That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government: *Provided further,* That, notwithstanding section 202(a)(3) of the Housing Act of 1959, loans made in fiscal year 1987 shall bear an interest rate which does not exceed 9.25 per centum, including the allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program.

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs in accordance with the provisions of the Congregate Housing Services Act of 1978, $3,400,000, to remain available until September 30, 1988.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $1,300,000,000.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii) and section 106(a)(2) of the Housing and Urban Development Act of 1968, as amended, $4,000,000.

TROUBLED PROJECTS OPERATING SUBSIDY

For assistance payments to owners of eligible multifamily housing projects insured, or formerly insured, under the National Housing Act, as amended, in the program of operating subsidies for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, all uncommitted balances of excess rental charges and any collections after September 30, 1986, to remain available until September 30, 1988: *Provided,* That assistance payments to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $272,955,000, to remain available until expended.

During 1987, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the National Housing Act, as amended.

During 1987, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed a loan principal of $80,000,000,000.

During fiscal year 1987, gross obligations for direct loans of not to exceed $73,800,000 are authorized for payments under section 230(a) of the National Housing Act, as amended, from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

NONPROFIT SPONSOR ASSISTANCE

During 1987, within the resources and authority available, gross obligations for the principal amounts of direct loans shall not exceed $1,000,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interest or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717), $1,079,000.

GUARANTEES OF MORTGAGE-BACKED SECURITIES

During 1987, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed $132,500,000,000 of loan principal.

SOLAR ENERGY AND ENERGY CONSERVATION BANK

ASSISTANCE FOR SOLAR AND CONSERVATION IMPROVEMENTS

The funds appropriated under this heading in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1985 (Public Law 98-371) shall remain available until September 30, 1987: *Provided:* That all funds recaptured from prior year appropriations under this heading shall be reallocated to eligible financial institutions.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grant program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $3,000,000,000, to remain available until September 30, 1989: *Provided,* That not to exceed 20 per centum of any grant made with funds appropriated herein shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development.

During 1987, total commitments to guarantee loans, as authorized by section 108 of the aforementioned Act, shall not exceed

$150,000,000 of contingent liability for loan principal.

During 1987 and each succeeding fiscal year, any city within a metropolitan area shall be considered to be a metropolitan city under section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) if such city—

(1) was classified as a metropolitan city under clause (B) of such section pursuant to the amendment made to such section by section 102(a) of the Housing and Community Development Act of 1977 (Public Law 95-128);

(2) had, according to the 1980 decennial census, a population of 36,957; and

(3) received a preliminary grant approval on February 8, 1984, for an urban development action grant under section 119 of the Housing and Community Development Act of 1974.

URBAN DEVELOPMENT ACTION GRANTS

For grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), pursuant to section 103 of that Act, $275,000,000, to remain available until September 30, 1990.

REHABILITATION LOAN FUND

During 1987, collections, unexpended balances of prior appropriations (including any recoveries of prior reservations) and any other amounts in the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), after September 30, 1985, are available and may be used for commitments for loans and operating costs and the capitalization of delinquent interest on delinquent or defaulted loans notwithstanding section 312(h) of such Act.

URBAN HOMESTEADING

For reimbursement to the Federal Housing Administration Fund or the Rehabilitation Loan Fund for losses incurred under the urban homesteading program (12 U.S.C. 1706e), and for reimbursement to the Administrator of Veterans Affairs and the Secretary of Agriculture for properties conveyed by the Administrator of Veterans Affairs and the Secretary of Agriculture, respectively, for use in connection with an urban homesteading program approved by the Secretary of Housing and Urban Development pursuant to section 810 of the Housing and Community Development Act of 1974, as amended, $12,000,000, to remain available until expended.

MODEL CITIES PROGRAM

Notwithstanding any other provision of law or other requirement, the Secretary of Housing and Urban Development may not require the City of New Orleans in the State of Louisiana to pay any amount relating to ineligible costs incurred with respect to the model cities grant numbered ME-17-001 under title I of the Demonstration Cities and Metropolitan Development Act of 1966.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $16,173,000, to remain available until September 30, 1988.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, $6,341,300, to remain available until September 30, 1988.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $4,000 for official reception and representation expenses, $649,085,000, of which $306,962,000 shall be provided from the various funds of the Federal Housing Administration.

ADMINISTRATIVE PROVISION

None of the funds appropriated by this or any other Act shall be used to implement or enforce the regulations published on April 1, 1986, at 51 Fed. Reg. 11198-11231.

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order against title I?

Are there any amendments to title I?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 14, after line 16, insert the following:

ADMINISTRATIVE LIMITATION

None of the funds appropriated or otherwise made available in this title may be used to purchase any nondomestic goods or services.

Mr. FRENZEL. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TRAFICANT. Mr. Chairman, I would ask to reserve time so that I may speak on the issue.

Mr. FRENZEL. Mr. Chairman, I reserve my point of order in deference to the mover of the amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Chairman, I have an amendment that basically states that any expenditures under title I must be spent on American goods or services. It seems that every time we bring these types of legislative initiatives to the floor there is a technical point of order that is placed against it. We are not really able to bring this type of initiative through committees, we cannot really get it through the rules. We get it to the floor and we are subject to the technicalities of the given codes to strike down what may be the salvation of the country. I mean it. I have lost 55,000 jobs. Youngstown Metropolitan Housing Association, a $4.5 million grant, they turned around and bought Swedish radiators and heaters, Swedish pipe, and 3 months later an LTV pipe mill in my district closed down. Now, there are some Members here that are even laughing about it. Maybe you have the technicalities on your side, but I have never really asked for anything here. I have gone to certain Members and I have had the approval of both sides, supposedly I did, unless somebody was able to give me that horse and donkey act and get somebody to sabotage it through this type of maneuvering. I cannot hold the Parliamentarian at ill ease about it. I understand the duties that they have. But this particular amendment that I bring is strictly a limitation. And my argument is whether it is one piece of jute rope in a textile mill or if it is 100 particular items under a HUD title I bill that precedent from the past should hold. I do not know what other type of remedy we have. I have heard many people from the other side of the aisle saying "we can't get our good legislative initiatives to the floor. The committee won't hear them, the chairman won't hear them."

Well, that is bunk. That has been played too much politically.

Now you have a Democrat from Ohio who has lost more jobs than anyone else, who since 1977 has had the toughest unemployment area in the country, and no one in this Congress even wants to listen. And this is not demagoging for anybody on TV.

And I have gone to people and asked them to back up on it, and you have not. I am asking the Parliamentarian here to hold precedent similar to the amendment that was offered dealing with a restricting limitation on textiles that was offered and allowed to be brought to this floor. This amendment simply says that none of the funds appropriated or otherwise made available in this title, specifically title I, may be used to purchase any nondomestic goods or services. And it is about time we start passing this.

□ 1430

All this protection is bunk that I am hearing. Why do you not just send every job overseas, send all the money overseas, send the country overseas? No one in this House stood up when they sent $14 billion in foreign aid overseas and talked about points of order or American bankruptcy, the deficits. You talk about protecting one job and we have every technicality in the country. I do not like it.

I am now addressing the Chair on the point of order and asking that the Chair so rule.

The CHAIRMAN (Mr. MACKAY). The point of order must first be made.

Does the gentleman yield back the balance of his time?

Mr. TRAFICANT. I reserve the balance of my time.

The CHAIRMAN. The gentleman must under the House rules yield back the balance of his time.

Mr. TRAFICANT. I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. FRENZEL] insist upon his point of order?

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I renew my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRENZEL. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] constitutes legislating on an appropriation bill and is, therefore, in violation of rule XXI.

Mr. Chairman, there have been some what I consider to be borderline precedents set in this House on the basis of an old precedent which I consider no longer usable because of the way we now appropriate.

Not too long ago, a chairman ruled that one of these kinds of amendments was a limitation based on a precedent from another century. In those days, the appropriations were rather narrow and one could make that statement that, yes, it was a limitation because we are talking about buying mules for the Army or rope for the Navy.

Now we are talking about a bill here that has vast appropriations that are spread across the United States and across various agencies with all kinds of materials being bought. Many of those materials have components, some of which are fashioned in this country, some of which are not fashioned in this country; some of which have engineering done abroad, some of which have engineering done in this country.

The amendment by the gentleman from Ohio is clearly one that imposes a whole series of new duties upon the department in question, for it must determine whether any of those or all of those or part of those things that are being bid on have received bids which may have some foreign component. I think that in this case when we are talking about an appropriation as broad as the HUD appropriation, there is simply no question that this is legislating, is imposing broad duties on a department head, which we have not done in the regular legislative law.

Since we are speaking on the point of order, I will not respond to other statements made, but I hope that the point of order is sustained.

The CHAIRMAN. Does the gentleman from Ohio [Mr. TRAFICANT] wish to respond to the point of order?

Mr. TRAFICANT. Mr. Chairman, I again stand on the ground here before the House and address the Chairman insofar as my contention is, if it is a limitation that is placed upon an appropriation measure only, that whether it is 1 item or 100 items, the precedent for 1 item should stand for the decision on the 100 since it imposes the same duty, nevertheless there is a duty imposed on previous precedential actions of the Chair.

I would ask the Chairman to strike down this motion to strike on the point of order, and sustain my position to bring this amendment to the floor.

The CHAIRMAN (Mr. MACKAY). The Chair feels that it is incumbent upon him to examine for the Committee of the Whole those principles which have led him to consider whether a decision previously made by the chairman of the committee, properly presented and on the same facts should be reversed. As Speaker Henderson stated in 1900, as carried in volume 4, Hinds' Precedents, section 4045, "It is a great advantage to the Congress to have before it the decisions of previous Congresses on any question liable to come up. If the decisions of the past are to be disregarded, confusion and uncertainly would constantly prevail." The Chair has equally, in proper and carefully examined cases, stated the principle that the decisions of the Chair on questions of order are not like judgments of courts which conclude the rights of parties, but may be examined and reversed. Speaker Carlisle followed that principle in 1888, as noted in volume 4, Hinds' precedents, section 4637, where he expressly overruled a decision made by the Chair to overrule a prior decision when the Chair, after mature consideration, concluded the decision was erroneous.

On July 30, 1986, the chairman of the Committee of the Whole held in order an amendment requiring "none of the funds made available in this act may be used to purchase any nondomestic goods or services" citing a 1930 precedent carried in volume 7 of Cannon's Precedents, Section 1697. The limitation in that instance concerned only a single item—twine—and the issue of whether the implementation of the amendment would impose additional duties on executive officials not required by law to ascertain the origin of that one product was never raised. In this case however, the amendment would require numerous officials in the Department of Housing and Urban Development making purchases of thousands of items ranging from pencils to trucks to ascertain the origin of each as well as all of the components. The amendment would require the same determinations by HUD as to purchases by all the recipients of the funds. In the opinion of the Chair this would impose a new investigative burden on those officials not required by law and in violation of clause 2 of rule XXI. The decision of July 30, 1986 is thus overruled, and the point of order is sustained.

PREFERENTIAL MOTION OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The gentleman's motion is not at the desk and it is not in the proper form.

Mr. TRAFICANT. I have it here and I will present it to the desk.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. TRAFICANT moves to strike all after the enacting clause of H.R. 5313.

The CHAIRMAN. The gentleman's motion is not in the proper form.

The gentleman can be recognized for 5 minutes if he moves to strike the last word.

Mr. TRAFICANT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Chairman, everybody wants to get home because it is Friday. I think it is time that America should not be put on pilot and we should start dealing with the major problems that affect this country.

I am trying not to be upset, and I would like to start out with my comments as follows, that if you cannot get it through the committee and you cannot get it through the rules, and when you do get it to the floor, you continue to face these types of technicalities, then maybe it is time that we draw the lines and have the war that is necessary down here.

I am not talking about as a Republican who is upset. I am talking about a Democrat who represents the toughest district in America that has been overlooked and no one really cares. You will not care until the fire is at your feet, maybe at your behind. Me, I am going to try to put it there.

But one thing we did today is we put a clarification on the record here about these types of amendments, the buy-American amendment. Here is what I am announcing today. I believe HUD should have to look and see where every pencil comes from, every gallon of gasoline, every automobile, every piece of paper in everything they buy. I do not know what the technicalities are on continuing resolution, but I am going to be back. And now I am going to try to amend every program in this House.

I have had chairmen come to me and say, "Don't put us in a political position." I have had Members of the opposition party come to me and say, "Don't bring this now, it's election."

□ 1440

Now I do put the House on notice, while I am here, I will attempt to markup and amend the continuing resolution that has to be brought before this House and I am letting the chairmen know: I do not have any problem with anybody but I am prepared to stand up and take the chairmen on.

We have lost 55,000 jobs since 1977, we are continuing to lose them. We are replacing them with $3.50-an-hour jobs, and while you laugh, you are next.

I am very disappointed because this point of order and this objection need not have been brought today. When I hear the arguments we have to think of our NATO neighbors, damn it, they should have paid their war debts to this country. Now you are talking about the people who fought in those who cannot get a job, having their retirement benefits cut out, cannot get unemployment, do not even have hospitalization and medical benefits, and they are going to close the vet clinic in my district.

What do you want next? You are not getting from here. Maybe I should not be speaking to that side. The tragedy is that I have to oppose Members on this side.

You prepare yourselves for what technical language it takes. If I have to hire a constitutional attorney I am going to bring before the House amendments on the continuing resolutions and I am going to challenge this House on them.

I apologize to any Parliamentarian, recognizing the rules and order of the House, that you should not address the Parliamentarian. I did not mean to do that. They do a fine job; their advance has always been sound.

But I do not apologize for the statements made in behalf of the 17th District of Ohio and for every American who does not have a job and who is getting really run roughshod over by this administration. I do not apologize for anything.

I will see you in the continuing resolution.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regret that this past 10 or 15 minutes was made necessary. I yield to nobody in my admiration for the gentleman from Ohio and for the work that he is doing to try to protect jobs within his district. That is his duty, and he is doing it superbly well with great enthusiasm despite the frustration.

On the other hand, there are many of us who have had frustration with the rules. A group on this side was just denied an opportunity for a shot at the line-item veto which we think is very important to the Nation's economy.

I must say on my part that I am not raising points of order and have never done so to have fun with the rules. What I am trying to do is to protect the rules of the House and to protect certain jurisdictions which I think are important. In addition to that, I have the same feeling about American jobs as my distinguished friend from Ohio. I believe that the protectionist measures introduced in this House, by and large, sooner or later, and usually sooner, cost more American jobs than the protectionist principles that are introduced into our law to save them.

Over the years of history, it has been my observation that periods of time of increased trade have been periods of increased prosperity for our country and, before our county was invented, for the rest of the world as well.

I have no desire to disadvantage the gentleman or any of his constituents. I would just like him to know that I feel as strongly on the other side of the issue as he does for his constituents.

Again, I admire his work.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Ohio.

Mr. TRAFICANT. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the fine comments, but all of the theories and all of these so-called trade strategies that the gentleman has talked about have led us to $160 billion in trade deficits, and whenever I continue to hear people saying "protectionist, protectionist," I think we should give a weighted advantage to a society that has the greatest standard of living of all. We should not roll it back to Taiwan or Korea. There is nothing wrong with the legislation that has been brought before this House. But you see we do not have the medium and the access to do it.

When we continue to argue this protectionism, I just want to say one thing to everybody about protectionism because it has become a dirty word. I think it is a word of patriotism for America, and if we have to protect this great, free country and protect it, we should not be hiding behind the word but implementing the action and doing what we have to do.

I think it is time we start looking at the people who fought in those wars, pay the bills, are basically taxed. They are losing their jobs; they are losing their homes. The rich are getting richer and the poor are getting poorer, and this country is languishing with great national debt, budget deficits, and you cannot separate that trade deficit from it.

I am not going to stand back, even though we may philosophically agree, there is nothing personal, but I am going to oppose you. I am saying here in the House of Representatives today that productionism is not a bad word to me. If it is, then I am guilty, because I am not going to back up from it. In fact, I am asking you to change and temper your position to take a look at some of the other dynamics that affect this and try and keep some of these jobs at home before we have no national security, no infrastructure in a country languishing, languishing with such a national debt that we will put $50,000 per citizen in this country in the next 12 years.

That is where we are going. Maybe this President is popular, but he is killing my district. I am not backing up. The continuing resolution? I will see you then.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his contribution. The response to his statement I think is better left for another time and another forum. I know the Members are anxious to proceed with the bill. I merely want to restate that I feel as strongly on my side of this issue as he does on his.

Mr. FUQUA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to congratulate the gentleman from Massachusetts, the chairman of the Appropriations Subcommittee on HUD-Independent Agencies, Mr. BOLAND, for developing the delicately balanced proposal before us. I am aware that achieving the subcommittee's budget allocation was a difficult task and required hard choices between reductions in subsidized housing and increases for other agencies in the bill.

I am concerned that the appropriation for the National Science Foundation [NSF] did not reflect more closely the authorization level the House passed for the Foundation by a vote of 405 to 2 on June 26, 1986. The authorization bill passed by the Senate included a budgetary level identical to the House version. The House and Senate agreement became Public Law 99-383 on August 21, 1986.

The National Science Foundation plays a unique role in the Federal support of science and engineering research and education. NSF accounts for less than 3 percent of the Federal support for total research and development. Yet, the Foundation provides about 25 percent of the Federal support for basic research at colleges and universities.

Basic research ultimately provides much of the knowledge base required for finding solutions to the Nation's current and future economic and technological challenges. Since the NSF supported research is conducted at universities, the research function is

coupled effectively with the education of future scientists and engineers. Thus, the activities supported through NSF make significant, broad-range contributions to the Nation's future.

In view of the National Science Foundation Authorization Act for fiscal year 1987, I encourage the gentleman, in negotiations with the Senate, to seek the highest level of support for the Foundation. Investment in basic science and engineering is essential to improving our competitiveness internationally and reducing our trade deficit.

I am certain the gentleman will continue his strong support, and I again want to thank the gentleman from Massachusetts and his subcommittee on its hard work on behalf of the Foundation.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding to me.

Mr. Chairman, I just want to congratulate the gentleman from Florida for his invaluable service to the Science and Technology Committee, where he has served as an outstanding chairman, and to the Congress and the Nation as a whole.

I know all of us regret the gentleman's leaving this body. I am sure that the people in your district regret that you are leaving, but you have other fields to enter. I know this: That you will be missed, not only as chairman of the Science and Technology Committee, but you will be missed by the entire body.

I want to congratulate the gentleman on the great service you have given to your district, to this Nation, and to the U.S. Space Program.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to join the distinguished chairman of the subcommittee in his expressions of gratitude to you for the service you have given this House, the Congress, this country on the Science and Technology Committee.

It has been a real privilege for me to have the opportunity, because of the appropriating jurisdiction of this subcommittee, to work with you. I want to wish you well in your future endeavors.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to join my remarks with those of the distinguished chairman and ranking minority member of the subcommittee, and to add my own congratulations and expressions of gratitude for the tremendous service that you have rendered to our Nation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; $11,673,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further*, That section 409 of the general provisions carried in title IV of this Act shall not apply to the funds provided under this heading.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed $500 for official reception and representation expenses, $34,452,000: *Provided*, That no more than $250,000 of these funds shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission appointed pursuant to 15 U.S.C. 2053: *Provided further*, That none of these funds shall be available after March 31, 1987, for any Commissioners' offices located in the Logan Building.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses; *$6,701,000*, to remain available until expended: *Provided*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $25,000 per project; and not to exceed $3,000 for official reception and representation expenses; $696,047,000: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

RESEARCH AND DEVELOPMENT

For research and development activities, $202,500,000 to remain available until September 30, 1988.

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, $532,550,000, to remain available until September 30, 1988: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949).

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, $5,000,000, to remain available until expended.

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), $861,300,000, to be derived from the Hazardous Substance Response Trust Fund, to remain available until expended: *Provided*, That none of these funds shall be available for obligation until the enactment of a subsequent appropriations Act authorizing obligation of such funds: *Provided further*, That funds appropriated under this account may be allocated to other Federal agencies in accordance with section 111(a) of Public Law 96-510. For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, an additional $135,000,000 shall be available for administrative expenses.

CONSTRUCTION GRANTS

For necessary expenses to carry out title II of the Federal Water Pollution Control Act, as amended, other than sections 201(m)(1-3), 201(n)(2), 206, 208, and 209,

$2,400,000,000, to remain available until expended: *Provided*, That none of these funds may be used for any project providing treatment more stringent than secondary, unless the project has been reviewed in accordance with the Environmental Protection Agency's advance treatment review policy: *Provided further*, That none of these funds shall be available for obligation until the enactment of a subsequent appropriations Act authorizing obligation of such funds.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed $500 for official reception and representation expenses, and hire of passenger motor vehicles, $670,000.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $1,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $1,671,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the functions of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.), $175,000,000, to remain available until expended: *Provided*, That $5,385,000 shall, upon enactment of this Act, be transferred to the "Salaries and expenses" appropriation for costs of employees doing disaster assistance work located at headquarters and regional offices and the amount so transferred shall be available until September 30, 1987: *Provided further*, That the regulation changes proposed by the Federal Emergency Management Agency and set forth at 51 Fed. Reg. 13332-13373 (April 18, 1986), or any finally adopted regulations related to or developed or following from such proposed regulations, shall not be effective from enactment of this Act through September 30, 1987.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $1,500 for official reception and representation expenses, $118,507,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, $250,743,000.

NATIONAL FLOOD INSURANCE FUND

(TRANSFERS OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, $9,300,000 shall, upon enactment of this Act, be transferred to the "Salaries and expenses" appropriation for administrative costs of the insurance programs and $45,200,000 shall, upon enactment of this Act, be transferred to the "Emergency management planning and assistance" appropriation for flood plain management activities, including $4,720,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), which amount shall be available until September 30, 1988. In fiscal year 1987, no funds in excess of (1) $42,788,000 for operating expenses, (2) $117,950,000 for agents' commissions and taxes, and (3) $5,362,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $70,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program. Notwithstanding any other provision of this or any other Act, such amount shall be made available under the terms and conditions of the following paragraphs:

The Director of the Federal Emergency Management Agency shall, as soon as practicable after enactment of this Act, constitute a national board for the purpose of determining how the program funds are to be distributed to individual localities. The United Way of America, the Salvation Army, the National Council of Churches of Christ in the U.S.A., the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., and the American Red Cross shall each nominate a representative to sit on the national board, and the Director of the Federal Emergency Management Agency shall designate a representative from each of these organizations to sit on the national board. The Federal Emergency Management Agency shall also designate a representative to sit on the national board, and the representative of the Federal Emergency Management Agency shall chair the national board.

Each locality designated by the national board to receive funds shall constitute a local board for the purpose of determining how its funds will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board except that the mayor or appropriate head of government will replace the Federal Emergency Management Agency member.

The Director of the Federal Emergency Management Agency shall award a grant for $70,000,000 to the national board within thirty days after enactment of this Act for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations and through units of local government.

Eligible private voluntary organizations should be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

Participation in the program should be based upon a private voluntary organization's or unit of local government's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the local boards.

Total administrative costs shall not exceed 2 per centum of the total appropriation.

As authorized by the Charter of the Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the food distribution and emergency shelter program in cooperation with the Federal Emergency Management Agency.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $1,272,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $5,200,000. Administrative expenses of the Consumer Information Center in fiscal year 1987 shall not exceed $1,664,000. Appropriations, revenues and collections accruing to this fund during fiscal year 1987 in excess of $5,200,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,000,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, $3,020,700,000, to remain available until September 30, 1988: *Provided*, That none of the funds in this bill shall be used to reassign programs and/or transfer personnel from the Johnson Space Center without the express authorization of Congress.

□ 1450

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 26, line 14, insert at the end of the sentence: ": *Provided further.* That of the funds appropriated under this heading, not to exceed $160,000,000 shall be provided for space station phase C/D development and such funds shall not be available for obligation until the enactment of a subsequent appropriations Act authorizing the obligation of such funds.".

Mr. BOLAND. Mr. Chairman, this amendment is really very simple. What it does is cap space station development funding at $160 million and provides that the release of the funds will be made in a subsequent appropriations act.

In effect, this mirrors the action taken in the report accompanying the HUD appropriations bill. But this amendment is important because it will strengthen the House's position and the committee's position in conference.

Mr. Chairman, after spending more than $150 million over the past 2½ years, the Space Station Program today is beset with a number of design problems. The bottom line is that unless NASA addresses those problems and the concerns expressed by this committee, we are going to spend $10 billion on a space station that will not enhance this Nation's scientific and technological capabilities.

To meet that concern, we imposed requirements on the space station before moneys requested for development are released. Those requirements are stated on pages 45 and 46 of our report.

The thrust of the requirements is that before the space station moves ahead with development funding, this committee and this House and this Congress can be assured that the station will provide useful and beneficial science as soon as possible to this Nation.

That's what the requirements that are detailed in our report are designed to do. So the purpose of this amendment is to ensure that before NASA proceeds with actual development of the space station, our committee's concerns and the concerns of others in this body are addressed.

Mr. Chairman, it is my fervent hope that NASA will take seriously these concerns so that we can release development funds and get on with building the next major U.S. step in space.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I want to commend the gentleman and his committee on this bill and also for their position on being cautious about moving ahead on these big expenditures that we are talking about. The reason I say this is that for each $2.6 billion that is added in 1987 we will have to have an across-the-board cut of 1 percent out of all discretionary programs that have been appropriated heretofore.

So it is important that we watch these expenditures because whenever anybody votes from now on for increases in anything, what they are really voting for is to cut everything that has already been appropriated. That is the position we are in unless we do one of two things: Raise taxes or waive Gramm-Rudman. If we want to not raise taxes, if we want to keep Gramm-Rudman, then we have got to be cautious about these added expenditures. What we did yesterday on the floor of the House by an overwhelming majority was add 1 percent to the amount that will have to be cut across the board in all discretionary programs.

Mr. GREEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my support for this amendment. I know the Members want to get home, so I will not reiterate what the subcommittee chairman has already said as to the need for it. I would commend to the Members of the House the report which the subcommittee chairman submitted on behalf of the committee, particularly pages 44, 45, and 46 of that report, which details the concerns that the subcommittee and the full committee have had regarding the Space Station Program and which I think explains fully the need for this amendment.

Mr. Chairman, I urge the House to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. BOLAND].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for, in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft, $3,038,000,000, to remain available until September 30, 1988.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $166,300,000, to remain available until September 30, 1989: *Provided,* That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further,* That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further,* That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; lease, hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $100,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities, $1,425,000,000: *Provided,* That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further,* That not to exceed $35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During 1987, obligations of the Central Liquidity Facility for new loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 1987 shall not exceed $850,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), title IX of the National Defense

Education Act of 1958 (42 U.S.C. 1876-1879), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of one aircraft; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services, $1,333,300,000, to remain available until September 30, 1988: *Provided*, That of the funds appropriated in this Act, or from funds appropriated previously to the Foundation, not more than $75,000,000 shall be available for program development and management in fiscal year 1987: *Provided further*, That contracts may be entered into under the program development and management limitation in fiscal year 1987 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

UNITED STATES ANTARCTIC PROGRAM ACTIVITIES

For necessary expenses in carrying out the research and operational support for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $1,000 for official reception and representation expenses, $117,000,000, to remain available until expended: *Provided*, That receipts for support services and materials provided to individuals for non-Federal activities may be credited to this appropriation: *Provided further*, That no funds in this account shall be used for the purchase of aircraft.

SCIENCE EDUCATION ACTIVITIES

For necessary expenses in carrying out science education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including award of graduate fellowships, services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $99,000,000, to remain available until September 30, 1988: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SCIENTIFIC ACTIVITIES OVERSEAS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for scientific activities, as authorized by law, $700,000, to remain available until September 30, 1988: *Provided*, That this appropriation shall be available in addition to other appropriations to the National Science Foundation for payments in the foregoing currencies.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), $18,669,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses, $26,128,400: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States: *Provided further*, That upon enactment of this Act, the amendments to title 32 of the Code of Federal Regulations set forth at 51 Fed. Reg. 17618-17628 (May 14, 1986) shall be null and void.

DEPARTMENT OF THE TREASURY

OFFICE OF REVENUE SHARING, SALARIES AND EXPENSES

For necessary expenses of the Office of Revenue Sharing, including hire of passenger motor vehicles, $5,560,000.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 412, 777, and 806, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $14,364,400,000, to remain available until expended.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34-36, 39, 51, 53, 55, and 61), $741,150,000, to remain available until expended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $4,770,000, to remain available until expended.

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed $2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); $9,488,612,000, plus reimbursements.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until September 30, 1988, $193,915,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law, $41,694,000, plus reimbursements.

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $3,000 for official reception and representation expenses; cemeterial expenses as authorized by law; purchase of eleven passenger motor vehicles, for use in cemeterial operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $763,531,000: *Provided*, That none of the funds appropriated by this or any other Act shall be obligated to effect the closing of the St. Paul Insurance Center during the period beginning on the date of the enactment into law of this Act and ending on September 30, 1987.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is $2,000,000 or more or where funds for a project were made available in a previous major project appropriation, $382,708,000, to remain available until ex-

pended: *Provided*, That, except for advance planning of projects funded through the advance planning fund and the design of projects funded through the Design Fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in the appropriation "Construction, major projects" for fiscal year 1987, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1987 and (2) by the awarding of a construction contract by September 30, 1988: *Provided further*, That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further*, That no funds from any other account, except the "Parking garage revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Veterans Administration of the project or any part thereof with respect to that part only: *Provided further*, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Veterans Administration medical facility must certify that the design of such project is acceptable from a patient care standpoint.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, where the estimated cost of a project is less than $2,000,000, $65,562,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $2,000,000: *Provided*, That not more than $37,885,000 shall be available for expenses of the Office of Facilities, including research and development in building construction technology: *Provided further*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Veterans Administration which are necessary because of loss or damage caused by any natural disaster or catastrophe and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING GARAGE REVOLVING FUND

(INCLUDING TRANSFER OF FUNDS)

For the parking garage revolving fund as authorized by law (38 U.S.C. 5009), $30,000,000, together with income from fees collected, to remain available until expended, of which $4,000,000 shall be derived by transfer from "Construction, major projects". Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 5009.

During 1987, within the resources available, gross obligations of the "Parking garage revolving fund" shall not exceed $31,000,000.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans, as authorized by law (38 U.S.C. 5031-5037), $42,400,000, to remain available until September 30, 1989.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1988.

DIRECT LOAN REVOLVING FUND

During 1987, within the resources available, not to exceed $1,000,000 in gross obligations for direct loans is authorized for specially adapted housing loans (38 U.S.C. chapter 37).

LOAN GUARANTY REVOLVING FUND

(INCLUDING TRANSFER OF FUNDS)

During 1987, the resources of the loan guaranty revolving fund shall be available for expenses for property acquisitions, payment of participation sales insufficiencies, and other loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title): *Provided*, That the unobligated balances, including retained earnings of the direct loan revolving fund, shall be available, during 1987, for transfer to the loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund, and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

During 1987, with the resources available, gross obligations for direct loans and total commitments to guarantee loans are authorized in such amounts as may be necessary to carry out the purposes of the "Loan guaranty revolving fund".

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 per centum of any appropriation for 1987 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for 1987 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major projects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

One or more pilot programs shall be conducted to determine the effectiveness of utilizing private contractual services to assist in the administrative collection of various types of delinquent debts or other funds due the Government.

TITLE III

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development and the Federal Home Loan Bank Board which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1987 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of $27,693,000 shall be available for administrative expenses of the Federal Home Loan Bank Board for procurement of services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901-5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year, of which not to exceed $800,000 shall be available for purposes of training State examiners and not to exceed $1,500 shall be available for official reception and representation expenses: *Provided*, That members and alternates of the Federal Savings and Loan Advisory Council may be compensated subject to the provisions of section 7 of the Federal Advisory Committee Act, and shall be entitled to reimbursement from the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of 1932, as amended (12 U.S.C. 1421-1449).

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed $1,466,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the Government: *Provided,* That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730f).

TITLE IV

GENERAL PROVISIONS

SECTION 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to site-related travel under the Solid Waste Disposal Act, as amended; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further,* That if appropriations in titles I and II exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitation.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided,* That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 409. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations.

SEC. 410. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 411. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 412. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared and (B) the contractor who prepared the report pursuant to such contract.

SEC. 413. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 414. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

This may be cited as the "Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1987".

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 50, after line 12, insert the following new section:

SEC. 415. None of the funds provided by this Act shall be used to close the Veterans' Administration Outpatient Clinic at Youngstown, Ohio.

PREFERENTIAL MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the preferential motion.

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The Chair would inquire, Is this a simple motion to rise or a motion to rise and report the bill?

Mr. BOLAND. Mr. Chairman, the motion is as follows:

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. MACKAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5313) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1987, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 295, nays 46, answered "present" 1, not voting 89, as follows:

[Roll No. 383]

YEAS—295

Akaka	Bates	Boland
Alexander	Bedell	Bonior (MI)
Anderson	Beilenson	Borski
Andrews	Bennett	Bosco
Annunzio	Bentley	Boulter
Anthony	Bereuter	Bruce
Applegate	Berman	Bryant
Aspin	Bevill	Bustamante
Barnard	Biaggi	Byron
Barnes	Bilirakis	Callahan
Bartlett	Bliley	Carper
Barton	Boehlert	Carr
Bateman	Boggs	Chandler
Chappell	Holt	Price
Clay	Hopkins	Pursell
Clinger	Howard	Rahall
Coats	Hoyer	Ray
Cobey	Hubbard	Regula
Coble	Hunter	Richardson
Coleman (MO)	Hyde	Ridge
Coleman (TX)	Ireland	Rinaldo
Collins	Jacobs	Ritter
Conte	Jeffords	Robinson
Cooper	Johnson	Rodino
Coughlin	Jones (NC)	Roe
Courter	Jones (TN)	Roemer
Coyne	Kanjorski	Rogers
Craig	Kaptur	Rose
Daniel	Kasich	Rostenkowski
Darden	Kastenmeier	Roth
Daschle	Kildee	Roukema
Davis	Kleczka	Rowland (CT)
de la Garza	Kolter	Rowland (GA)
Dellums	Kostmayer	Roybal
Derrick	Kramer	Sabo
Dickinson	LaFalce	Savage
Dicks	Lagomarsino	Saxton
Dingell	Lantos	Scheuer
DioGuardi	Leach (IA)	Schneider
Dixon	Leath (TX)	Schulze
Donnelly	Lehman (FL)	Schumer
Dorgan (ND)	Leland	Seiberling
Dornan (CA)	Lent	Shaw
Dowdy	Levin (MI)	Sikorski
Downey	Levine (CA)	Sisisky
Duncan	Lewis (CA)	Skeen
Durbin	Lewis (FL)	Skelton
Dwyer	Lightfoot	Slattery
Dymally	Lipinski	Slaughter
Dyson	Long	Smith (IA)
Eckart (OH)	Lowery (CA)	Smith (NE)
Edgar	Lowry (WA)	Smith (NJ)
Edwards (CA)	Lujan	Smith, Robert (NH)
Edwards (OK)	Luken	Smith, Robert (OR)
Emerson	Mack	Solarz
English	MacKay	Spence
Erdreich	Manton	Spratt
Evans (IL)	Martin (IL)	Staggers
Fascell	Martinez	Stallings
Fazio	Matsui	Stangeland
Feighan	Mavroules	Stark
Fiedler	McCain	Stokes
Fields	McCloskey	Studds
Fish	McCurdy	Sweeney
Flippo	McGrath	Swift
Florio	McHugh	Swindall
Foglietta	McKernan	Tauke
Foley	McMillan	Tauzin
Ford (MI)	Meyers	Taylor
Ford (TN)	Mica	Thomas (GA)
Frank	Mikulski	Torricelli
Fuqua	Miller (OH)	Udall
Gallo	Miller (WA)	Valentine
Gaydos	Mineta	Vander Jagt
Gejdenson	Mitchell	Vento
Gekas	Molinari	Visclosky
Gibbons	Mollohan	Volkmer
Gilman	Montgomery	Vucanovich
Gingrich	Morrison (CT)	Waldon
Glickman	Morrison (WA)	Walgren
Gonzalez	Mrazek	Walker
Goodling	Myers	Waxman
Gordon	Natcher	Weaver
Gray (IL)	Neal	Weber
Gray (PA)	Nelson	Weiss
Green	Nichols	Wheat
Guarini	Nowak	Whittaker
Gunderson	Oberstar	Whitten
Hall (OH)	Obey	Williams
Hall, Ralph	Olin	Wilson
Hamilton	Ortiz	Wise
Hammerschmidt	Packard	Wolf
Hatcher	Parris	Wortley
Hawkins	Pashayan	Wyden
Hayes	Pease	Yatron
Hefner	Penny	Young (FL)
Hendon	Perkins	Young (MO)
Henry	Pickle	
Hertel	Porter	

NAYS—46

Archer	Combest	Evans (IA)
Armey	Crane	Fawell
AuCoin	Dannemeyer	Frenzel
Badham	DeLay	Gradison
Brown (CO)	DeWine	Hiler
Burton (IN)	Dreier	Hughes
Cheney	Eckert (NY)	Kindness
Latta	Nielson	Siljander
Lott	Oxley	Smith, Denny (OR)
Lungren	Petri	Solomon
Marlenee	Roberts	Stenholm
McCandless	Russo	Strang
McCollum	Schaefer	Stump
Monson	Sensenbrenner	Sundquist
Moody	Shumway	
Moorhead	Shuster	

ANSWERED "PRESENT"—1

Traficant

NOT VOTING—89

Ackerman	Horton	Quillen
Atkins	Huckaby	Rangel
Boner (TN)	Hutto	Reid
Bonker	Jenkins	Rudd
Boucher	Jones (OK)	Schroeder
Boxer	Kemp	Schuette
Breaux	Kennelly	Sharp
Brooks	Kolbe	Shelby
Broomfield	Lehman (CA)	Smith (FL)
Brown (CA)	Livingston	Snowe
Burton (CA)	Lloyd	Snyder
Campbell	Loeffler	St Germain
Carney	Lundine	Stratton
Chapman	Madigan	Synar
Chappie	Markey	Tallon
Coelho	Martin (NY)	Thomas (CA)
Conyers	Mazzoli	Torres
Crockett	McDade	Towns
Daub	McEwen	Traxler
Early	McKinney	Watkins
Fowler	Michel	Whitehurst
Franklin	Miller (CA)	Whitley
Frost	Moakley	Wirth
Garcia	Moore	Wolpe
Gephardt	Murphy	Wright
Gregg	Murtha	Wylie
Grotberg	Oakar	Yates
Hansen	Owens	Young (AK)
Hartnett	Panetta	Zschau
Hillis	Pepper	

□ 1515

Mr. UDALL and Mr. WEAVER changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I have requested this time for the purpose of receiving the legislative schedule for today and the balance of the week, and for next week.

Mr. Speaker, momentarily I will yield to the distinguished majority whip, who has the very dubious responsibility of explaining our schedule for the rest of this day and for next week.

I would like to say first of all that it is amazing to me that the membership of this body continues to tolerate the type of jerking around that we are getting on the way in which the schedule is handled. We are not working on Mondays, we are not having votes on Tuesdays, and the schedule which I have before me shows that we will not even be in session on Monday. Then we are in session until 10 o'clock on Wednesday night. We are first told that we will not have a session on

Friday, and then on Wednesday afternoon we are told that we will have a session on Friday. Major legislation is not on the schedule next week.

It is amazing to me that our membership tolerates from the leadership this type of process, and I include the leadership of this side, too, because we should complain a lot more vigorously than we do, and we should make it known much more aggressively when we are not even consulted as to the way in which the schedule is handled.

I frankly resent it, and I would hope that our leadership would be fairer with each other and with the rank-and-file Members in the way in which the schedule is handled in the next 3 weeks, because it is going to be bad enough without the type of uncertainty and acrimony that schedule changes induce.

With that, I am glad to yield to my good friend, the gentleman from Washington [Mr. FOLEY], who is in the very difficult position of having to explain other people's decisions.

Mr. FOLEY. Mr. Speaker, I certainly understand the depth of the gentleman's feelings on this issue. I would say, however, that the Members have generally been familiar with a schedule where we consider suspensions on Monday and roll the votes until Tuesday, and that has been the process of suspension votes on Monday for most of this year, and I am not aware of a good deal of complaint from the leadership on the other side, or from Members on either side, with that proceeding.

We can schedule votes on Monday and have Members come back and vote on Monday, but it has been our practice to attempt to accommodate the primary elections in various States where both Members are involved, and to have votes postponed on Tuesday, on a primary day, and to have those votes considered at the end of the day, and to have either a pro forma session or votes rolled from Monday until Tuesday in late afternoon.

There is nothing unusual about that. It has been done to accommodate Members from every State in the Union that has had primaries over the recent several months.

Next week in Washington State and in Massachusetts there will be primaries. I am personally going to be here, but there are Members who may want to be in their home States on those 2 days, exactly as we have done for every other State that has had a primary.

The one difference between the schedule this week compared to last week is that rather than rolling the votes on suspensions from Monday to Tuesday, we propose not to have a session at all on Monday. There is really very little difference in that, except that we are considering all of the suspensions on Tuesday, rather than half of them on Monday and half on Tuesday.

Mr. LOTT. If the gentleman will allow me to comment on that point, you now have on the schedule for Tuesday 15 suspensions, the Intelligence Authorization Act, conference report on Community Services Programs amendments, minimum altitude over park lands, and votes on suspensions. It may be Wednesday before we get through with that Tuesday session.

Mr. FOLEY. I will tell the gentleman, without denigrating the importance of any of the bills on the Suspension Calendar, if he will read over the list—and I will read it for him and for the Members—he will find that the bills can be fairly classified as noncontroversial, and they should not take all day for debate and consideration.

Mr. LOTT. On one of these bills I have already had somebody gnawing on my leg that it is not noncontroversial.

Mr. FOLEY. If the gentleman finds one that is controversial that he feels that he would like to have moved to a certain time on the schedule, I would be glad to consider doing that.

As far as the Intelligence Authorization Act is concerned, the rule and the general debate only are being considered on Tuesday, and conference reports, of course, can be brought up at any time under normal considerations.

I should not think that the schedule on Tuesday will keep us overly late, but again, I do not think that most of the Members would appreciate it if we were to back up and schedule half of the suspensions on Monday and have votes on Monday, and bring Members back here who would then have to go back to their home States and come back here again if they are in primary States for more votes on Tuesday.

I think that if we had done that in the past, we would have had the most vigorous representation of objection from the leadership on the other side and from Members on both sides on the aisle.

□ 1525

We are just treating next week virtually as we have treated every week in which there has been a primary election.

As to the schedule at the end of the year, the gentleman knows that it is not easy to predict with absolute certainty in the final weeks of a session whether we will have a Friday session or not. For the benefit of Members, I would say it is extremely unwise at this juncture, and until the sine die adjournment of the House, for any Member to plan in advance to be free on Friday.

I think the Members should be on notice that Friday sessions may well be scheduled or may have to be used to finish important business not completed during the earlier part of the week.

Mr. LOTT. Mr. Speaker, if I could reclaim my time just to make two basic points; No. 1, at the very minimum, if the Members could have some certainty as to what they could count on, I think they could live with just about anything.

If we could try, by talking to each other, to keep our Members informed as early as possible what they can count on, that would solve a lot of the grumbling.

If the gentleman is not hearing it on his side, I am sorry, because I am hearing it from your side over here.

Second, we are in the final days of a session that I keep hearing is going to adjourn October 3, although there are others who talk about the 10th and there are others who are talking about a lame duck session. We understand you have to listen to Members and accommodate elections and all that, but if we are going to get out of here by October 3, at some point we are going to have to start working more than 3 days a week.

Mr. FOLEY. I am just telling the gentleman that Friday sessions are to be expected from now until the end of the session.

As the gentleman knows, the course of legislation is not easy to predict. We might have a serious bill up on Thursday that takes a very long time to conclude because of amendments and debate and might have to go over until Friday.

It would be nice if we could adjust the schedule to perfect certainty, but no one knows how long a bill will sometimes require because of the extent of debate and the offering of amendments, particularly on bills with open rules.

We have all had the experience of having people come up to us and say, "What time will this debate be over?" It will be over when the House decides it is over, unless there is a limitation on time.

So we are going to do our best, I will assure the gentleman, to advise Members, but I cannot see that any Member has been inconvenienced by the fact that I am going to propose that we adjourn until Tuesday, and if that is objected to, we will have a pro forma session on Monday.

Mr. LOTT. I know there is a very, very bipartisan event scheduled, I think, for next Tuesday night, September 16. I presume it is Tuesday or Wednesday. I presume that the House would not go early while our bipartisan effort is engaged in combat on the baseball diamond.

Mr. FOLEY. I think the gentleman is referring to something on Wednesday.

Mr. LOTT. So we do not anticipate a late session on Wednesday, then?

Mr. FOLEY. I am not going to speak as the most expert or active baseball fan in the House, but I think we will try to put the schedule first and we hope that that will also make it possible to do whatever the gentleman has in mind.

Mr. LOTT. We would like to cooperate with you in that effort.

Maybe we could hear the schedule and we can discuss this more after that.

Mr. FOLEY. If the gentleman will yield further, if unanimous consent is given, the House will meet on Tuesday to consider the Private Calendar and suspension of the rules on the following bills:

H.R. 4754, FDA Commissioner confirmation;

H.R. 5230, authorizations for childhood immunization;

H.R. 5259, alcohol and drug abuse amendments;

H.R. 1156, Indian Youth Alcohol and Substance Abuse Prevention Act;

H.R. 5167, hold in trust Pueblo (Zia) lands;

H.R. 4873, authorize transfer of lands to Santa Anna pueblos;

H.R. 4089, prohibit construction of dams in national parks;

H.R. 4794, amend National Trails System Act to designate Santa Fe Trail as a national history trail;

H.R. 4316, patents in space;

H.R. 4899, Patent Equity Act;

H.R. 4545, American Folklife Center;

H.R. 3358, striped bass;

H.R. 4838, fair treatment of airline mergers;

H. Con. Res. 339, sense of Congress that essential air service program be continued; and

H.R. 4492, transfer of airport property in Algona, IA.

In addition, the consideration of H.R. 4759, Intelligence Authorization Act, fiscal year 1987, modified rule, the rule and general debate only, and the conference report on H.R. 4421, the Community Services Programs amendments.

Recorded votes on suspensions debated on Tuesday will be voted on Tuesday at the conclusion of all suspensions.

Also on Tuesday, H.R. 4430, the minimum altitude over park lands, open rule, 1 hour of debate.

On Wednesday, September 17, 1986, the House meets at noon and considers H.R. 4759, the Intelligence Authorization Act of fiscal year 1987 and H.R. 2482, the Federal Insecticide, Fungicide, and Rodenticide Act, modified rule, 1 hour of debate.

Thursday and Friday, the House will meet at 9:30 on Thursday and 10 a.m. on Friday.

On Thursday, the House will meet at 9:30 and immediately recess until shortly before 10 a.m. when there will be a joint session to receive Her Excellency, President Aquino, the President of the Republic of the Philippines, and then consider, following her address in the joint session, House concurrent resolution, unnumbered, to continue appropriations for fiscal year 1987, and H.R. 1426, the Indian Health Care Improvement Act.

Mr. LOTT. Will there be any further business today?

Mr. FOLEY. No further business today.

Mr. LOTT. You do not intend to take up the rule on the intelligence bill?

Mr. FOLEY. No; we do not intend to take up the rule on intelligence today. We have assured Members that the House would conclude its legislative business at 3 p.m.

Mr. LOTT. I noticed that on Wednesday, you had us coming in at noon instead of 10 a.m. Do we not usually come in at 10 a.m. on Wednesday? If we are going to be squeezed a little bit at the end of the day, I would have thought we would have come in earlier.

The reason I ask that is that some Members gave me a hard time because we came in at 9 a.m. today. They thought it was 10 a.m. We put out the notice; they did not get the notice.

Is there a reason why we come in at 12 on Wednesday?

Mr. FOLEY. I am not particularly aware of any reason why we are coming in at 12 on Wednesday. I am informed that there is a Democratic caucus scheduled for that morning.

Mr. LOTT. That would be fine with us.

Mr. FOLEY. We try to accommodate the Republican conference; we try to accommodate our own caucuses.

Mr. LOTT. So we will not go in at 10 a.m., we go in at 12 on Wednesday.

Mr. FOLEY. That is right.

Mr. LOTT. Let me ask you a couple of questions about some things that are not listed here.

Of course, you note that conference reports can come up at any point and, therefore, would not necessarily be specifically listed here, but the gentleman, I take it, does not anticipate the tax reform conference report would very likely come up next week?

Is that correct?

Mr. FOLEY. It is possible. I am not suggesting this; it is possible that it could be brought up on Friday of next week.

Mr. LOTT. That is very important because on Friday, you have got a couple of bills that maybe would not be considered of major consequence if Members might not be able to stay, but if a tax reform package is going to come up——

Mr. FOLEY. We would certainly advise the Members on both sides of the aisle at the beginning of next week. The conference report has not been filed on the tax bill, and at the time that it is filed, we would advise the Members if it is to be considered next week.

□ 1535

Mr. LOTT. I note that once again there is nothing on here about reconciliation.

Mr. FOLEY. If the gentleman will yield, we intend to take up a reconciliation bill at an early time. As the gentleman knows, there has been an action of the joint Budget Committee, referring the report of the OMB and the CBO, to the two bodies of the Congress, the House and the Senate; it may be that the Senate will be voting late next week and we would hope to be voting on a reconciliation bill prior to the consideration of a sequestration act or simultaneously with it.

So, although it is not listed on the schedule, the gentleman will be assured that a reconciliation bill is very much in the immediate schedule.

Mr. LOTT. Mr. Speaker, some of the things the gentleman is saying, I think it may be applicable to what you are doing on sequestration, not necessarily on reconciliation—are they both being moved and are you going to put them together and are you going to act on them after you take up the continuing resolution? It looks to me as if we ought to look at reconciliation.

Mr. FOLEY. If the gentleman will yield, a decision has not been made on that to the degree that I could make any announcement on it, except to assure the gentleman that, as he knows, under the Gramm-Rudman statute, 5 legislative days following the adoption of the joint resolution, it is a privileged matter to be brought on the floor by any Member.

As I understand the intention of our leadership, and I assume your leadership as well, there is a desire to deal with the Reconciliation Act prior to that time.

Mr. LOTT. Absolutely. Mr. Speaker, we wanted to deal with it before we went out in August, so we are very much interested in reconciliation.

I wonder, though, you know we are not going to be in session on Monday, which is kind of an unusual event; and so then the 5 legislative days would not start counting until Tuesday instead of Monday, so the odds are sequestration could not be, or is not likely to be brought up next week. Is that part of your thinking? Is that why we are not going to be in session on Monday?

Mr. FOLEY. If the gentleman will yield, there was some original thought on that, but it is not part of the final decision to not have a session Monday; and the Budget Committee has not indicated any desire to avoid a Monday session for that reason.

Mr. LOTT. Mr. Speaker, let me ask the gentleman, does he expect recon-

ciliation or sequestration, either, one to come up any day next week?

Mr. FOLEY. If the gentleman will yield further, I personally do not believe that we will have either one next week, but the week following.

Mr. LOTT. And so we will have already voted in the House on the continuing resolution?

Mr. FOLEY. I do not want to make a commitment to the gentleman. The situation could change, but that is my expectation.

Mr. LOTT. In that case, we will have already voted on the continuing resolution, before we take up reconciliation or even sequestration; is that correct?

Mr. FOLEY. Yes; I believe we will be voting on the continuing resolution previous to voting on reconciliation.

Mr. LOTT. Well, Mr. Speaker, I am extremely frustrated and concerned about what I see on the schedule; but I understand the gentleman's role and I appreciate his advising us of what we can expect at this point.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from California if he has an inquiry he would like to make.

Mr. LUNGREN. Mr. Speaker, I note the absence of the immigration bill on the calendar; and some of us, at the time we left for our break in August, were under the understanding that it was going to come up next week.

Is it now the thinking of the leadership that the immigration bill is to be scheduled the week after? Or has there been any date set for that.

Mr. FOLEY. If the gentleman from Mississippi [Mr. LOTT] will yield, again I can only give the gentleman an impression that we have a schedule for it to be considered by Rules next week, and I assumed it would be scheduled for floor action the following week.

Mr. LUNGREN. Mr. Speaker, if the gentleman from Mississippi [Mr. LOTT] will yield for a further inquiry. That is consistent with the intention at this point to have October 3 as our getaway date?

Mr. FOLEY. The gentleman will have to make his own judgment as to the likelihood of meeting the target, the official target, of the 3d of November.

It remains the joint intention of the leadership on both sides of the aisle and of the leadership in the other body to adjourn the House sine die by the 3d of October. There is no other intention.

I would suggest to the gentleman that in the 22 years that I have served in this body, I cannot yet remember an occasion on which the precise announced adjournment date was actually adhered to due to the pressure of business.

Mr. LUNGREN. I appreciate the comments of the distinguished gentleman.

Mr. Speaker, if the gentleman from Mississippi [Mr. LOTT] will continue to yield, I would just say that for those of us who have been working for immigration reform, the assurances that we had received earlier in the year that the House was in fact going to work on it, and it was the intention to deal with that issue before we went home in a finished fashion, ring rather hollow now.

If the gentleman believes an issue of that magnitude can be dealt with in 1 week and then go to conference, with all the problems that ensue, and have it on the President's desk, I think the gentleman is asking too much; and I understand the House may therefore look like it is doing something but unfortunately it sounds like the will of the people is to be frustrated again.

Mr. FOLEY. Mr. Speaker, if the gentleman from Mississippi [Mr. LOTT] will yield, I do not agree with the gentleman from California's [Mr. LUNGREN] conclusions. That is the only comment I would make on his statement.

ADJOURNMENT TO TUESDAY, SEPTEMBER 16, 1986

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Tuesday next.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Washington?

There was no objection.

HOUR OF MEETING ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next, it adjourn to meet at noon on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 17, 1986

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AUTHORIZING A SPECIAL CONSENT CALENDAR ON TUESDAY, SEPTEMBER 16, 1986

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that there be a special Consent Calendar on Tuesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO FILE REPORTS ON HOUSE CONCURRENT RESOLUTION 339, H.R. 4492, AND H.R. 4838

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until midnight tonight to file three reports on bills passed unanimously from the committee. They have been cleared by the minority.

They are: House Concurrent Resolution 339, H.R. 4492, and H.R. 4838.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain requests by Members for 1-minute speeches?

THE NEW CITY OF ENCINITAS, CALIFORNIA

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, on October 1, 1986, a new city will be born in my district—the city of Encinitas. Encinitas incorporates 26 square miles of some of the most beautiful coastline in San Diego County. 44,000 Californians make their homes there.

The decision to incorporate was made by 70 percent of the voters in order to gain local control of land use issues and to develop a community identity. A great deal of pride went into this important decision resulting in the incorporation of the largest area in recent California history. This proud community has elected its first city council, comprised of Marjorie Gaines, Greg Luke, Ann Omsted, Rick Shea, and Gerald Steel.

Congratulations to Encinitas on its October 1, 1986, birthday!

DESIGNATION OF THE HONORABLE THOMAS S. FOLEY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS UNTIL SEPTEMBER 17, 1986

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 12, 1986.

I hereby designate the Honorable Thomas S. Foley to act as Speaker pro tempore to sign enrolled bills and joint resolutions until Wednesday, September 17, 1986.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

□ 1545

SECURITY ASSISTANCE FOR GREECE AND TURKEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. YATRON] is recognized for 5 minutes.

Mr. YATRON. Mr. Speaker, I rise today to call the House's attention to a legislative development which could have negative implications for the U.S. Security Assistance Programs for Greece and Turkey.

The legislation in question is section 1205 of the Senate Defense authorization bill. This section authorizes the Pentagon to transfer defense equipment to countries in NATO's southern flank, including Greece and Turkey, to assist them in modernizing their defense capabilities.

On the surface this legislation would seem to be a necessary tool in bolstering the NATO alliance. However, this legislation in its present form is flawed in several respects. Further it reflects the administration's desire to circumvent present law regarding United States policy toward Greece and Turkey.

This section, if enacted into law, would blatantly disregard the congressionally-mandated earmarks of the International Security and Development Cooperation Act of 1985 for Greece and Turkey. As my colleagues know, the Congress has for successive years appropriated security assistance for Turkey and Greece based on the concept of the 10 to 7 ratio. Our foreign aid program for these two nations reflects the strong interest of Congress to ease tensions between these two NATO allies and to bring about a peaceful settlement on Cyprus. It seems clear to me that the Pentagon, in promoting this section, was motivated by a desire to undercut legitimate congressional involvement in U.S. policy toward the eastern Mediterranean.

Mr. Speaker, it is unclear as to whether this legislation is germane to the defense authorization bill. Providing security assistance to foreign nations, whether as grant aid or in the form of FMS credits, is the responsibility of the House Foreign Affairs Committee and the Senate Foreign Relations Committee.

I recognize the importance of providing a sufficient amount of military assistance to our allies. But there are serious political and security problems between Greece and Turkey which must be resolved if NATO's southern flank is to be an effective deterrent against Soviet expansionism.

Mr. Speaker, the House has not considered this legislation, and I strongly urge our colleagues to oppose this section in conference committee.

S. 2638

SEC. 1205. MODERNIZATION OF DEFENSE CAPABILITIES OF COUNTRIES OF NATO'S SOUTHERN FLANK

(a) AUTHORITY TO TRANSFER EQUIPMENT.—Notwithstanding any other provision of law and subject to subsection (b), the President may transfer to those member nations of the North Atlantic Treaty Organization (NATO) on the southern flank of NATO which are eligible for United States security assistance and which are integrated into NATO's military structure such defense equipment as the President determines necessary to help modernize the defense capabilities of such nations. Such equipment may be transferred without cost to the recipient nations.

(b) LIMITATIONS ON TRANSFERS.—The President may transfer defense equipment under this section only if—

(1) the equipment is drawn from existing stocks of the Department of Defense.

(2) no funds available to the Department of Defense for the procurement of defense equipment are expended in connection with the transfer; and

(3) the President determines that the transfer of the equipment will not have an adverse impact on the Armed Forces of the United States.

(c) NOTIFICATION TO COMMITTEES OF CONGRESS.—The President may not transfer defense equipment under this section until—

(1) he has notified the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives of the proposed transfer and included in such notification a certification of the need for the transfer and an assessment of the impact of the transfer on the Armed Forces of the United States; and

(d) DEFINITION.—In subsection (a), the term "member nations of the North Atlantic Treaty Organization (NATO) on the southern flank of NATO" means Greece, Italy, Portugal, Spain, and Turkey.

UPCOMING VOTE ON SEQUESTRATION JOINT RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, it is likely that late next week the House will vote on a joint resolution encompassing the across-the-board spending cuts outlined in the OMB/CBO August 20 Gramm-Rudman report. Yesterday, the Temporary Joint Committee on Deficit Reduction—made up of the House and Senate Budget Committees—approved a joint resolution providing for these cuts and once the committee's report is filed the clock will start running on the 5 calendar days of session time limit for a vote in both the House and Senate.

Since the OMB/CBO report did not receive wide distribution I think it would be useful to list the highlights of the reductions necessary to reach the $144 billion target. Also, some of the key tables in the OMB/CBO report are included below.

OMB/CBO fiscal year 1987 deficit snapshot: $163.4 billion.

Total deficit reduction needed to reach $144 billion: $19.4 billion.

Across-the-board percentage cuts in defense: 5.6 percent.

Across-the-board percentage cuts in nondefense: 7.6 percent.

Total defense cuts: Budget authority, $19.1 billion; outlays, $9.7 billion.

Total nondefense cuts: Budget authority, $16.4 billion; outlays, $9.7 billion.

COLA's for 16 programs, including Civil Service retirement and military retirement, are eliminated.

Cut of 2 percent in Medicare totaling $1.2 billion.

Cut of 2 percent in veterans medical care, Community and Migrant Health Centers, Indian Health Services, for savings of $192 million.

Cut in CCC payments of $1.3 billion.

Budget authority cut in Department of Education, $1.1 billion.

Budget authority cut for Department of Transporation, $2.3 billion.

Budget authority cut for NASA, $600 million.

Budget authority cut in Veterans Administration, $400 million.

Budget authority cut in HHS, $2.7 billion.

Budget authority cut in military personnel, $3.8 billion.

Budget authority cut in Defense procurement, $7.7 billion.

Budget authority cut in Defense Operations and Maintenance, $4.2 billion.

The following are some of the key tables from the OMB/CBO report:

SEQUSTRATION CALCULATIONS FOR 1987

[Outlays in millions of dollars]

Category	OMB	CBO	Average
Defense Programs:			
Total required reductions	6,086	13,323	9,704
Estimated savings from automatic spending increases: Indexed retirement programs [1]	139	221	180
Amount remaining to be obtained from uniform percentage reductions of budget resources	5,947	13,102	9,525
Estimated outlays associated with across-the-board sequesterable budget resources	164,330	173,635	168,983
Uniform reduction percentage	3.6	7.5	5.6
Nondefense Programs:			
Total required reductions	6,086	13,323	9,704
Estimated savings from automatic spending increases:			
Indexed retirement programs	139	221	180
Other indexed programs	7	7	7
Estimated savings from the application of special rules:			
Guaranteed student loans	29	31	30
Foster care and adoption assistance	2	2	2
Medicare	1,115	1,240	1,178
Other health programs	164	161	163
Amount remaining to be obtained from uniform percentage reductions of budget resources	4,631	11,661	8,146
Estimated outlays associated with across-the-board sequesterable budget resources [2]	108,350	106,998	107,674
Uniform reduction percentage	4.3	10.9	7.6

[1] These retirement programs are not included in the national defense function of the budget; most are included in the income security function.
[2] Includes estimated 1988 outlays for the Commodity Credit Corporation [CCC] that can be affected by a 1987 sequester (see discussion of special rule for the CCC). The OMB estimate is $14,137 million, the CBO estimate is $9,215 million, and the average is $11,676 million.

DEFENSE PROGRAM SEQUESTRATIONS FOR 1987

[In billions of dollars]

Function 050	Spending authority [1]	Estimated outlays
Department of Defense-Military:		
Military personnel	3.8	3.7
Operation and maintenance	4.2	3.2
Procurement	7.7	1.0
Research, development, test, and evaluation	2.1	1.0
Military construction	0.5	0.1
Family housing and other	0.4	0.2
Subtotal, DOD	18.7	9.2
Atomic energy defense activities	0.4	0.3
Other defense-related activities [2]	0.1	([3])
Total	19.1	9.5

[1] Includes new budget authority for 1987 and unobligated balances from budget authority provided in previous years.
[2] Includes the function 050 portion of Federal Emergency Management Agency budget accounts which are reduced at the same rate as nondefense programs.
[3] $50 million or less.

NONDEFENSE PROGRAM SEQUESTRATIONS FOR 1987 BY FUNCTION

[In billions of dollars]

Function	Spending authority [1]	Direct loan obligations	Loan guarantees	Estimated outlays
International affairs	1.6	0.6	0.9	0.8
General science, space and technology	0.7			0.5
Energy	0.5	0.3	0.2	0.2
Natural resources and environment	1.2	([4])		0.7
Agriculture	1.5	1.1	0.6	[2] 1.7
Commerce and housing credit	0.4	0.3	24.4	0.4
Transportation	2.4	([4])	([4])	0.5
Community and regional development	0.4	0.1	([4])	0.1
Education, training, employment, and social services	2.0	([4])		0.7
Health	0.8	([4])		0.5
Medicare	1.3			1.3
Income security [3]	1.8	([4])		1.0
Social security	0.2			0.1
Veterans benefits and services	0.4	([4])	2.9	0.3
Administration of justice	0.5			0.4
General government	0.5			0.5
General purpose fiscal assistance	0.1			0.1
Allowances	([4])			([4])
Total	16.4	2.3	29.0	9.9

[1] Includes new budget authority, obligation limitations, and other spending authority for 1987.
[2] Includes $0.9 billion in estimated 1988 outlay savings for Commodity Credit Corporation [CCC] programs (see discussion of special rule for CCC).
[3] Includes $0.2 billion in spending authority and outlays from eliminating automatic spending increases for Federal retirement programs that are credited as reductions in defense programs.
[4] $50 million or less.

SEQUESTRATIONS FOR 1987 BY AGENCY

[In billions of dollars]

Department or other unit	Spending authority [1]	Direct loan obligations	Loan guarantees	Estimated outlays
Legislative Branch	0.1			0.1
The Judiciary	0.1			0.1
Executive Office of the President	([3])			([3])
Funds appropriated to the President	1.1	0.4	([3])	0.5
Agriculture	2.1	1.6	0.7	[2] 2.2
Commerce	0.2		([3])	0.1
Defense-Military	18.7			9.2
Defense-Civil	0.4			0.3
Education	1.1	([3])		0.3
Energy	0.9			0.4
Health and Human Services, except Social Security	2.7	([3])		2.3
Health and Human Services, Social Security	0.2			0.1
Housing and Urban Development	1.1	0.1	24.1	0.1
Interior	0.5	([3])	([3])	0.4
Justice	0.3			0.2
Labor	0.6			0.3
State	0.3	([3])		0.2
Transportation	2.3	([3])	([3])	0.5
Treasury	0.5			0.4
Environmental Protection Agency	0.3	([3])		0.1
General Services Administration	0.1			([3])
National Aeronautics and Space Administration	0.6			0.4
Office of Presonnel Management	0.3			0.3
Small Business Administration	([3])	([3])	0.4	([3])
Veterans Administration	0.4	([3])	2.9	0.3
Other independent agencies	0.7	0.1	0.9	0.5
Allowances	([3])			([3])
Total	35.5	2.3	29.0	19.4

[1] Includes new budget authority for 1987 (except for expiring authority), unobligated balances from budget authority provided in previous years (Defense-Military and other function 050 programs and certain administrative costs), obligation limitations for and other spending authority for 1987.
[2] Includes $0.9 billion in estimated 1988 outlays savings for Commodity Credit Corporation [CCC] programs (see discussion of special rule for CCC).
[3] $50 million or less.

THE STOCK MARKET COLLAPSE OF 1986

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oregon [Mr. WEAVER] is recognized for 5 minutes.

Mr. WEAVER. Mr. Speaker, the stock market fall of 86 points in the Dow Jones industrial average yesterday was indeed a reminder of the 1929 stock market crash, and it is in my estimation the beginning of our own demise of our own stock market. I wrote an article which was published by the New Republic a year and a half ago in which I said that, first, the stock market would go way up, would hit 2,000 points. It came to about 1920. And then would crash. And I said that that would be the beginning of an economic depression in the United States.

These predictions of gloom and doom do no one any good unless there is a reason that we should explore why they are going to occur because, Mr. Speaker, it will not be the stock market crash that will be the big event in this cycle, this 55-year cycle that we are going to enter into now. The real estate crash will be by far worse, for the simple reason that in 1929 it was the stock market that had gone into the sky in a binge of buying, and its crash was the greatest.

In this cycle our cycle that is ending now, it has been real estate that has been most inflated. the prices most absurd. So we can anticipate a horrendous real estate crash in the years immediately to follow. The tax bill that is under way and out of conference now is of course not going to cause the real estate crash but it will certainly knock the props out from the already wobbly real estate market in this Nation. The basic reasons as to why this happens? Why are we now going to enter into a period of economic depression? Why is the stock market going to fall? Why is the real estate market going to crash? The answers are very simple. For the last 20 or 30 years we have been gradually building up in our entire economy, our entire society a more lax, loose, sloppy, greedy way of life. We have gone out and where, in the 1930's, we built efficient dams and produced electricity cheaply, we built small cars that operated cheaply on cheap oil, later on we got nuclear plants costing billions of dollars, oil that cost $35 a barrel.

I predicted in my New Republic article a year and a half ago that while the stock market would make one last trip up and then crash, that OPEC would collapse sooner than that and oil would fall to $12 a barrel. It indeed has and I assume it will go even lower.

The fundamental reason the world is now in trouble after that binge of the last 20 or 30 years of the "m" generation, greed, laxity, sloppiness, permissive life styles, permissive economics, permissive morals, the reason that that is going to collapse now is that all productive facets in the world are overproducing.

Our farmers are overproducing but also the computers and car manfacturers, et cetera, throughout the world are overproducing.

The world is awash in goods. That is an irony. People are starving, people are poor in the world, yet for those who can buy, the world is awash in goods and the price will be driven down for all goods. International trade wars are going to come simply because everybody is going to dump their goods on the market. It was very simple to real estate when the dollar fell a year ago it was not going to help restore our international trade because the companies in Taiwan, Korea, Japan, and Germany were going to continue manufacturing as much as they possible could because they had cash flow problems, bank loans, and that is going to continue, that is going to increase and accelerate, with the dumping of goods all over the world, on our markets where they can. Our farmers want to sell cheaper the grain that they grow that they are already taking a loss on. So this is all going to be deflationary. Now if we do however try to bail out the big New York banks when those banks collapse as they soon will, if we try to bail them out when they collapse from the loss of Third World loans, agriculture, real estate, energy loans, and put hundreds of billions of dollars into them and then try to bail out other people throughout the Nation when their houses fall below the value of their mortgages, if we try to do that, we will get a spike-up in inflation. But the most likely thing to occur is deflation because the money supply will, while accelerating today from the permissive rules of the Federal Reserve Board, presently the deflation will come primarily from the liquidation, bankruptcy, and foreclo-

sure of all the other values that we have.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I wish to assure the distinguished Speaker pro tempore and my colleagues that it certainly is not my intention to utilize the privileged 60 minutes I have been authorized on this occasion. However, as I have on prior occasions, I am impelled to rise and speak at this precise moment because of the urgency of some of the issues that are not being addressed either by the Congress or by the administration and which I believe the American people should expect us to address. For one, I have spoken before on many occasions, now, since December 1981, but particularly within the last 9 months about continuing precarious situation of our armed services personnel, mostly airborne, that are part of the so-called peace-keeping contingent in the Sinai. This was born of a resolution that was entertained in the House of Representatives on December 12, 1981, with very few Members being present, and which I questioned at the time. All of this, of course, is in the RECORD of that day so that I shall not go into that.

I questioned it because the fact that this is the first time that the Congress has on its own since the first Congress in 1789 mandated and deployed the organization of an armed services component of our country and then deployed it, on congressional mandate, to form a part of what was going to be projected as an international consortium or as a peace-keeping group.

There were two things unique, besides the fact that this was the first time that the Congress had legislated in this matter. As you know, constitutionally speaking it is a question that the Constitution really leaves for the Commander in Chief of the executive branch or the Chief Magistrate, as they used to say, in the Constitutional Convention, and the actual raising of armies has been the constitutional prerogatives of the Congress. But once it has, then it is the Commander in Chief, the President, who is to order and mandate and carry on the operations of the defense of our country. The other uniqueness of it is that there is no clear mission, peace keeping or otherwise, as to what the purpose of the military, equipped as they are, is on this particular occasion on this mission.

There might be also a corollary strange thing about it, and that is the component nations that share this peace-keeping duty. I have mentioned before for the record that our contingency consists of some close to 2,000, not quite 2,000 troops. That is the statutory limitation that we placed in that resolution at the time of the formulation of the group under congressional mandate. The next highest contingent is 500 Fiji Islanders. Then there are about 500 Colombians, soldiers. Originally there were 1,000 but they had trouble in Colombia, and they took about half of their contingent back. The Colombian contingency was actually forced by then Secretary Alexander Haig, by actually inviting and then threatening the President of Colombia that if they did not comply, perhaps American aid would not be forthcoming. Our American citizens simply do not realize how in the name of all of us our Government and some of its temporary office holders have acted in such ways that we do not consider to be in keeping with the American tradition and that we associate with totalitarian-structured governments. Yet we are and continue to be, I have on repeated occasions pointed out how we have so immorally behaved in the case of Central America, and continue to do so, in which we are the direct cause of much blood shedding of indigenous fratricidal civil wars that to our great, I believe, detriment, as the future will inexorably show us, will prove.

In any event, I have pointed out that ever since the relationship between our country and some of the countries in the Arabic world have deteriorated, that the threat to the well-being of these contingents in the Sinai increases daily.

My immediate discussion has to do with a news item the day before yesterday in which negotiators representing the State of Israel and that of Egypt had, on a lower diplomatic level, failed to reach agreement on a border dispute and therefore were looking toward a hoped-for summit meeting between the actual executive leaders of both states.

I had pointed out that ever since the advent of these acts of terrorism those committed by the individuals and heads of state that we so roundly condemn, and I might also say with a great deal of sadness those that we have committed because we have committed acts that would fully be defined and are in world opinion, maybe not here in America because I think our constituents simply are not really informed, but I might add also sadly that outside in the external world public opinion is condemnatory of America's behavior, and we have authorized the attempt to assassinate leaders of some of the Central American nations.

It has been our so-called, supposedly under the 1947 act, exclusively operative in foreign shores, our intelligence community but which actually has violated that charter time and time again by conducting espionage and unauthorized surveillance of American citizens domestically in the boundaries of the continental United States.

□ 1600

But it has been cheeks by jowl with the assassins of the Arch Bishop of El Salvador, our own five American nuns, tragically all with what I consider to be a mistaken notion and a sadly aired misperception of what it is all about in this part of the world.

I feel that these men in the Sinai are highly vulnerable to those with whom we have engaged in actual acts of war, particularly some of the Arab nations that we are, in effect, conducting acts of war, and that finds us very vulnerable. The men in the Sinai, though, they are soldiers, are not equipped. They have no armor. They have no air power. I believe they are very susceptible to a well coordinated and supplied attack or force that would have minimal capability with the required armament, such as recoilless rifles and the like.

The question remains: What is the mission? Among whom are they keeping the peace?

As I said in December of 1981, it is an attempt to keep the peace between two friendly nations up to now, Israel and Egypt. So my question remains the same as I asked in 1981: Should Israel accuse Egypt of violating the understanding which was based on the Camp David agreements to which the United States was not a party signatory? What do we do? Do the peacekeeping forces march in case of an alleged violation on the complaint of one state marching to the other and vice versa? Or if attacked, as I fear—the danger is so great, and especially now when ways and means are being sought to embarrass this country and embarrass our leaders at this time.

Remember that in April with the bombing of Tripoli with the unquestionable intention of killing the leader in Libya, Qadhafi, that we also killed and maimed many innocent children and women. The fact is that weeks later, we were all boasting, and the leadership in the Congress approved that act. Some of us did not. Some of us were and continue to be highly critical of the President's decision along those lines. But we were not heard from. Everybody was drowned out in the chorus of endorsement by the leaders of the Congress on both sides of the aisle.

It was announced that this would put a stop to terrorism, that this would teach a lesson to those that were going to be hunting down Americans. But what has happened here is the reverse, just in a matter of less than 2 weeks. We had two Americans abducted in Beirut. We had the terri-

ble, terrible tragedy in Pakistan. There is no question that Americans were the object.

So that the increment for this violence has been intensed. The chances and the potential have not been reduced.

Therefore, in my humble opinion, one of the most forceful ways of demonstrating our vulnerability would be to foist an attack by whoever would consider that to be advantageous on these troops that we have in the Sinai.

I have requested the committees that have jurisdiction to continue to have some oversight on this, and ask these questions: What do we do, Mr. President? Suppose some, even if it is just one, of the soldiers, whether he is American or not, is attacked and is killed, what are we going to do? Are we going to back them up or are we going to send additional troops? What are we going to do? What is the mission?

This was the question I asked for 14 months of President Reagan in the case of his deployment of the marines in Beirut with the tragic consequences of 241 having been killed.

These things are disheartening because they are avoidable with wise, prudent, and dispassionate leadership, which I have said unfortunately is not the case of what we have in America today.

So I am again warning my colleagues as they go back over this weekend period to their districts that this is a constantly hovering ghost over us and should be. We cannot be comfortable and know that we have not defined the mission of these men. Remember we are talking about a little under 2,000 Americans, if nothing else, though we ought to be equally concerned about those who we have elicited to join us.

Second, I wish to discuss a subject matter that is agitating, and again which neither the Congress nor the administration seems to be cognizant of. It affects such States as my own, the State of Texas, and all of the petroleum product producing States, about 5 out of the 50.

We are in great distress. The fact is that here again our erstwhile competitors—some consider them enemies. I do not. I believe in Lyndon Johnson's old dictum. He said, "If you want to have a friend, you got to be a friend." I think that is true in relations collectively. So what to some of my colleagues is a confirmed enemy, I would not describe it as such because history does not show it to be as such.

Therefore, I feel that we have reached a point where we must realize that these countries, whether they are enemies or just plain economic competitors, are more skillful and have developed an ability to use such resources as energy, petroleum products, as a policy weapon. As of last week, for instance, Russia announced, even though there has been hostility between the two nations—I will recall for the record that Russia invaded Iran soon after the shooting phase of World War II was over with in 1946. At that time, we had a lot of muscle. We had a lot of moral suasive power plus muscle. And we really were the ones who compelled a rollback, together with the help of the British at that time, whose colonial inheritance we have accepted, both French as well as British. This is not the way we look upon ourselves, I know; but this is the way the external world looks upon us, and that is the way we are looked upon in the Middle East.

What I am saying is that despite the hostility, ideological, political, and international, between these border states of Russia and Iran, Russia announced a compact or an agreement with Iran to supply it with gas in its conduct of war against Iraq. Our State Department is praying every day that Iran will not win for a variety of reasons.

In the meanwhile, the President's bombing of Tripoli has unified in a way the Arab world, because Libya and its leader are Arabic. Iran is not. It is not Arabic. Iraq is Arabic. However, the question is: Why would Russia enter into a deal. It really actually produces more petroleum than we do, and this has been true now for several years.

□ 1610

But it uses it as a weapon because it knows that it is a diplomatic weapon that can be used in this unseasoned struggle for hegemony or power in the Middle East, and that either one, they feel that Iran can win or is going to or they are hedging their bets. Either way, they cannot lose.

We cannot do that. The Russians know also that if they help Iran and Iran does win that we will see our domestic oil production capability erode completely. This is the issue. The price of oil that has so descended, disastrously for the producing countries such as ours, Mexico, Great Britain, and its high cost energy source on the North Sea.

I have been reminding my colleagues, and this seems like a lonely voice in the wilderness, I have also been saying this back home. Everything I have been saying here, I say the same thing back home first. I have suggested to the Vice President of the United States, who is the only highly placed Texan in this administration, certain recommendations. One is that our strategic petroleum reserve utilized domestic production. You know that less than 1 percent of the oil we have placed in the strategic petroleum reserve is American, domestically produced oil. Right now 100 percent, 95 percent is Mexican production because in 1982 we entered into a deal in an attempt to save Mexico from financial disaster, and we have been adding these bandaids all along. Up to this year we were paying an undetermined cost which actually I have found out amounted to the then prevailing price of $27. Today, the price has gone below $10, below $8.

So I am saying that charity begins at home. We ought to reverse that. We ought to keep our strategic petroleum reserve. After all, we had a good reason for it, and we are going to find out we had better. The Arab Finance Minister, Yamani has never made any bones about what their strategem is, since 1973 and the boycott then. That is to make OPEC absolutely dominant and the American domestic capability absolutely subservient to their production. That is what it was then; that is what it is now. There is no such thing as a free market in the oil world. That is a lot of hogwash. Never has, never will.

The Saudis particularly, and its finance minister feels that they are ruling the roost, and in fact they are because they have been able to use their energy as a source of diplomatic leverage which we have not learned. We do not even take cognizance and certainly this administration does not, of this great stress now wracking our states that produce this vital source of energy.

I have suggested that. I have also suggested that we really put some meaning into that agency that we ourselves led to the creation of, in 1974 in the throes of the boycott, and that was the International Energy Agency; IEA. In concert with them, impose, in concert, a fee on this oil that one has to be dependent upon, but only in concert. We no longer can do this unilaterally, I want to announce to all and sundry.

I have suggested to the Vice President in a letter over 2 weeks ago, I have not had a reply, that he take the lead inasmuch as he would be very knowledgeable about the situation in this particular industry because he comes from it.

Third, I want to comment on also all of this that interconnects with these events, believe it or not. Central America, Libya, the Middle East, the economic situation of our country now, they are all interconnected. It is no longer isolated. No matter what we do domestically. You can try to make a worthwhile something out of a worthless piece of legislation like Gramm-Rudman which will never work; never could or never will. But let us say that we could. We still are at the mercy of forces over which we have no control. Yet we have not had any leadership, particularly in that branch of the Government that, through the Constitution and through history and precedent, is deposited in our President.

71-059 O-87-31 (Pt. 16)

There is no leadership forthcoming there in order to bring about the collective action under American leadership because this is what the world wants. It does not want, contrary to what the President thinks, star wars. It does not want elaborate weapons. It wants moral leadership from the American country that has loudly proclaimed the basic principles the world anxiously wants and is in a great, great disturbed state of mind collectively because they see us behaving in a contradictory way to our heritage of democracy and self-determination.

We were the revolutionary force in the world. We are now and have been for some years the status quo force. The old, colonial status quo. In the meanwhile I think we have the catastrophic, bankrupt definition of these policies is clearly exemplified by pointing out to you that just in the last 3 years our country for the first time in 1914 is a debtor nation. The biggest debtor in the world.

As of the last 4½ years it is no longer a producing country. We no longer produce. We are a consumption, importing nation. We are now, as of last year, importing more food into the United States than what we are exporting.

This would have been unbelievable just 8, 9, or 10 years ago. This is where we are today. Surely something is not working. Surely there is something wrong. Oh, there is great commotion right now because the news today was that the stock market level had plunged 86 points or something like that. Well, that should not be news. The same thing happened before. I have been taking this floor since 1979 and pointing out that this would happen. That you will have these big shifts that one week it announced with great alarm that it had plunged; next week that it had risen. In the next 2 weeks the Dow was going to go to 2,000. Then, all of a sudden, a headline like today's: Wow, it dropped 86 points overnight.

What does this mean? I have pointed out that the only reason that will happen and should and can be avoided is that you have had absolute instability in all of the financial markets since 1970 and 1971 when President Nixon took us off of the gold exchange system and we sent into the so-called floating exchange system, and also deflated or debased our currency three times. Once in 1971 and in 1972 and 1973.

Why do I say this? Because I happen to be on the committee, and have been on that committee since I came here 25 years ago, and happened to have been the chairman of the subcommittee and had warned and found myself completely steam-rollered by the so-called goldbugs in 1975 and 1976 with the consequences that sadly, tragically we had foreseen and only wish we had been dead wrong.

□ 1620

But you cannot be wrong when you know that what you are doing is simply adding in the old way, 2 plus 2 equals 4, that when you start getting in and out of the Congress, in and out of the economists' world, the doctrine that 4 minus 2 might equal 6, then you know you are in trouble.

All history shows that all bubbles burst, the tulip mania of the 18th century and other manias, manias of the last century here in our country. We called them depressions. We have had five money manias in less than one decade. We had the rates, the real estate investment trusts. We have had the money markets. Every one of them was based on a gridlock of high usurious, extortionate rates of interest.

I have gone into that in detail. I just want to point out that these are the interconnecting factors and to each one of these I have offered suggestions.

In the case of our oil dilemma, it would help very much, in fact I think it would extricate from the serious depressed state these five States are confronted with if we would utilize domestic production at the cost plus production factor for the strategic petroleum reserve, plus exerting leadership and getting into a consortium on the International Energy Agency, which is not only the answer to but the antidote to OPEC.

I sum up by saying that overall, philosophically, we will continue to err. Our councils will be clouded almost as if in a Greek tragedy, or if mandated through some divine intercession, punishing a people for their misdeeds, but which I do not think so. I believe that all of these things are divine actions. They are all not acts of God. High interest rates are not acts of God, even though everybody acts as if they are. They are manmade problems, and they are susceptible to manmade solutions. All we have to do is restrain, rein in this egregious, unheard of greed that has brought us to the brink of financial, fiscal, monetary and economic destruction and depression.

Russia. I have never shared those great fears. History shows that there are only two major nations in the last 300 years that have never gone to war against each other. Those two are the United States and the United Soviet Socialist Republic.

Second, the history of Russia's attitude to the United States since the last century and before has always been supportive. It was supportive during our revolutionary struggle. It was supportive 120 years ago when Czar Alexander III expressed great friendship, comradeship toward the American ideal. It was reinforced when we purchased Alaska, Seward's Folly, a dollar an acre. If the Russians had been these traditional enemies, they would have never given us Alaska, that close to home, that valuable land, as it has turned out to be.

On top of that, we have failed all along to want to study the Russian people's history. It is a very, very multiple body of people.

Interestingly enough, you have provinces such as Armenia, the Province of Armenia. There the official language is that tongue of that state, the Armenian language. Children going to school can go and have an option of studying in three schools: English, French or the Armenian language. Yet they are a part and parcel of the Union known as the Soviet State, and you have similar things with other states. Russia has had war between its eastern nation, China, and itself for more than 200 years. Our leaders have never perceived that world in the sight of reality. If they had, and I said this during the struggle, we would never once have had to lose 58,000 of ours, and untold treasury in what we call Vietnam, had we known and perceived the world.

We are on the verge now, presidential, inexorable, irreversible order of engaging in serious war in, involving casualties of our men in Central America, but most seriously, as I have said repeatedly, ensuring that we will have foisted and sown the seeds of this old European strife that led to war after war between kings and now peoples in these European countries, and developing into these horrible suicidal world wars. We are sowing those seeds among people that now exceed us in number by 80 million, who really have traditionally felt a great inspiration and admiration of the American people, maybe not at their government. Nobody likes to be invaded, and we have, in fact. We have invaded Nicaragua more than seven times just in this century, not counting the number that we invaded the last century. So these are histories and perceptions that I feel my colleagues ought to consider.

In the case of Russia, for instance, how many of you among my colleagues would ever pass a resolution naming a Russian as a semigod? Yet, I offer for the RECORD at this point from Parade magazine from September 17, 1986, this last Sunday, page 17, a story entitled "Life Above All," the story of Dr. Robert Gale, an American doctor who has become a Soviet hero. He went over. He is a bone marrow specialist. He went over not expecting, given the hatred that has been fostered, the way psychosis that President Reagan has fostered among us toward Russia that he would be re-

ceived, and yet they wrote a poem, and it is this way:

God is in a man who walked into a radiated complex,
Put out the fire, burned his skin and clothes,
Who didn't save himself,
But saved Odessa and Kiev,
A man who simply acted like a human being.

"God is in Dr. Gale who came to Russia." I offer this article in its entirety for the RECORD. Dr. Gale says simply; "This is too small a planet, with too big problems, to let politics interfere."

The article referred to follows:

LIFE ABOVE ALL

(By Michael Ryan)

Robert Peter Gale, M.D., Ph.D., is a high-tech physician, an expert on bone-marrow transplantation who probably doesn't even own a little black bag. But last spring, he became a sort of family doctor to an entire nation—an American physician who grew into an overnight hero in the Soviet Union.

As soon as he heard about the disastrous explosion and fire at the Chernobyl nuclear plant, Dr. Gale, who is chairman of the International Bone Marrow Transplant Registry, knew he wanted to help. The registry represents specialists in more than 30 countries, but the Soviet Union is conspicuously absent.

"They had the same day declined a generous offer of humanitarian aid from President Reagan and an offer of aid from several European countries, so my expectation of them accepting our offer was not very high," Gale, 40, recalled on a brief return to his UCLA office between visits to Moscow. But, to illustrate why he was welcomed to the USSR, Gale slid a piece of paper across his desk. "This is a poem that appeared in Pravda," he explained.

God is in a man who walked into a radiated complex.
Put out the fire, burned his skin and clothes,
Who didn't save himself,
But saved Odessa and Kiev,
A man who simply acted like a human being.

"They regard the firemen and the others who tried to put out the fire as great heroes," Gale said. "They weren't going to let political factors interfere with them getting the best medical treatment."

In Moscow, Gale performed transplants on 19 people who had tried to put out the fire at Chernobyl. Despite his efforts, six soon dies. (By last month, the fatality count had reached 30.)

"Human beings can show remarkable qualities in this kind of situation," Gale said with a warmth unusual in a man of science. "Many of these people performed heroic feats, way beyond what we would expect of someone just doing his job. One physician whom I had the privilege to take care of went repeatedly back into the reactor to help pull out firefighters who were injured, overcome by smoke. He probably knew better than any of them the potential risks. He ultimately died.

"They had a memorial on Soviet television for each of the victims. I knew many of them personally, and, on television, I could see them not as patients but as individuals, with their wives and children, in their firefighters' or military uniforms. I felt it very personally."

The experience of flying over the power station and the city of Pripyat in a military helicopter remains seared in his memory: "It was virtually impossible to speak because of the high level of noise," Gale recalled, "It was a time when you could just absorb and reflect on what was going on. What made it most dramatic was that there was relatively little physical destruction. The power plant looked like a burnt-out small apartment building, but there was a huge, deserted city of Pripyat a short distance away. [The entire population of Pripyat has been evacuated in an attempt to save the people from Chernobyl's radiation.] What was impressive was the absence of human life—of any life for that matter. That was when I first started to think about the full consequences of this."

"We have nuclear energy," he continued. "That is a fact. It's here, and it's not going to go away. There's no precedent for society going back on a technology that already exists. The obligation is on us to show that we've learned everything we can from Chernobyl."

Gale believes that the human price of Chernobyl will be exacted over the next 30 years. The number of people who will die as a result of their exposure will be somewhat under 1,000—a horrendous number, although much smaller than some early reports suggested. For those three decades, Gale and his colleagues from around the world plan to cooperate with Soviet scientists, following victims, treating them and learning all they can about the effects of radiation.

"The Soviets are enthusiastic about this," he said. "It's a long, expensive commitment that will tap the resources of scientists all over the world. But I think it's our obligation to do these studies. The Soviets want to give their citizens the best possible health care. That's just a basic human right—health care after an accident—and if there's anything known by Japanese or American or European scientists that would bear on their follow-up of these patients, they want to know it.

"Perhaps we can use this openness not just on a short term, but on a long term. Perhaps Chernobyl can bring our two leaders together. If we had so large an accident that we needed to get scientists from 20 countries involved, that we'll be sorting through the data for the next 20 years—can you imagine what would happen if there were intentional use of nuclear weapons? This is too small a planet, with too big problems, to let politics interfere."

As Gale spoke, my eyes wandered down to the second page of that poem from Pravda, which the doctor had not pointed out. It read:

God is . . . in Dr. Gale . . . who came to Russia . . .

Gale seemed slightly flustered as I read it aloud. As the conversation ended, he rose quickly and plucked a white lab coat from the back of his office door. He bade goodbye and hurried off to the hospital wing of the building.

Mr. Speaker, I say by way of conclusion what I have said now since long before I ever thought I would be in politics or in the Congress, much less, and that is that either we learn, my colleagues, that we were all born equal, or we will find curselves all being cremated equal.

I yield back the balance of my time.

CONFERENCE REPORT ON H.R. 3622

Mr. NICHOLS submitted the following conference report and statement on the bill (H.R. 3622) to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes:

CONFERENCE REPORT (H. REPT. 99-824)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 3622) to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "Goldwater-Nichols Department of Defense Reorganization Act of 1986".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. REFERENCES TO TITLE 10, UNITED STATES CODE

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

SEC. 3. POLICY

In enacting this Act, it is the intent of Congress, consistent with the congressional declaration of policy in section 2 of the National Security Act of 1947 (50 U.S.C. 401)—

(1) to reorganize the Department of Defense and strengthen civilian authority in the Department;

(2) to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense;

(3) to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands;

(4) to ensure that the authority of the commanders of the unified and specified combatant commands is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to their commands;

(5) to increase attention to the formulation of strategy and to contingency planning;

(6) to provide for more efficient use of defense resources;

(7) to improve joint officer management policies; and

(8) otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defense.

TITLE I—DEPARTMENT OF DEFENSE GENERALLY

SEC. 101. ORGANIZATION OF THE DEPARTMENT OF DEFENSE

(a) REORGANIZATION OF CODE.—(1) Part I of subtitle A is amended by inserting after chapter 1 the following new chapter:

"CHAPTER 2—DEPARTMENT OF DEFENSE

(2) The sections of chapter 4 listed in the left-hand column of the following table are transferred (in the order they appear in that column) to the end of chapter 2 of such title, as added by paragraph (1), and are redesignated in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing Sections of Chapter 4	New Sections of Chapter 2
131	111
132	112
133	113
138	114
133a	117
133b	118

(3) The sections of chapter 4 listed in the left-hand column of the following table are transferred (in the order they appear in that column) to the end of chapter 3 of such title and are redesignated in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing Sections of Chapter 4	New Sections of Chapter 3
140	127
140a	128
140b	129
140c	130

(4) Part IV of subtitle A is amended by inserting after chapter 143 the following new chapter:

"CHAPTER 144—OVERSIGHT OF COST GROWTH IN MAJOR PROGRAMS

(5) The sections of chapter 4 listed in the left-hand column of the following table are transferred (in the order they appear in that column) to chapter 144, as added by paragraph (4), and are redesignated in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing Sections of Chapter 4	New Sections of Chapter 3
139	2431
139a	2432
139b	2433
139c	2434

(6) The heading of chapter 4 is amended to read as follows:

"CHAPTER 4—OFFICE OF THE SECRETARY OF DEFENSE".

(7) Chapter 4 is amended by redesignating sections of such chapter listed in the left-hand column of the following table in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing Sections	New Sections
134	132
134a	133
136a	138
137	139

(b) ELEMENTS OF THE DEPARTMENT.—Section 111 (as transferred and redesignated by subsection (a)(2)) is amended—

(1) by inserting "(a)" before "The Department of Defense"; and

(2) by adding at the end the following:

"(b) The Department is composed of the following:

"(1) The Office of the Secretary of Defense.

"(2) The Joint Chiefs of Staff.

"(3) The Joint Staff.

"(4) The Defense Agencies.

"(5) Department of Defense Field Activities.

"(6) The Department of the Army.

"(7) The Department of the Navy.

"(8) The Department of the Air Force.

"(9) The unified and specified combatant commands.

"(10) Such other offices, agencies, activities, and commands as may be established or designated by law or by the President.

"(11) All offices, agencies, activities, and commands under the control or supervision of any element named in paragraphs (1) through (10).

"(c) If the President establishes or designates an office, agency, activity, or command in the Department of Defense of a kind other than those described in paragraphs (1) through (9) of subsection (b), the President shall notify Congress not later than 60 days thereafter.".

SEC. 102. POWERS AND DUTIES OF THE SECRETARY OF DEFENSE

Section 113 (as transferred and redesignated by section 101(a)(2)) is amended by adding at the end the following new subsections:

"(f) When a vacancy occurs in an office within the Department of Defense and the office is to be filled by a person appointed from civilian life by the President, by and with the advice and consent of the Senate, the Secretary of Defense shall inform the President of the qualifications needed by a person serving in that office to carry out effectively the duties and responsibilities of that office.

"(g)(1) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the heads of Department of Defense components written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components. Such guidance shall include guidance on—

"(A) national security objectives and policies;

"(B) the priorities of military missions; and

"(C) the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective.

"(2) The Secretary of Defense, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide annually to the Chairman written policy guidance for the preparation and review of contingency plans. Such guidance shall include guidance on the specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective.

"(h) The Secretary of Defense shall keep the Secretaries of the military departments informed with respect to military operations and activities of the Department of Defense that directly affect their respective responsibilities.".

SEC. 103. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO REORGANIZE THE DEPARTMENT OF DEFENSE

Section 125 is amended—

(1) by striking out "unless the Secretary" in the second sentence of subsection (a) and all that follows in that subsection and inserting in lieu thereof a period; and

(2) by inserting "vested by law in the Department of Defense, or an officer, official, or agency thereof" in subsection (b) after "function, power, or duty".

SEC. 104. OFFICE OF THE SECRETARY OF DEFENSE

Chapter 4 (as amended by section 101(a)) is further amended by inserting after the table of sections the following new section:

"§131. Office of the Secretary of Defense

"(a) There is in the Department of Defense an Office of the Secretary of Defense. The function of the Office is to assist the Secretary of Defense in carrying out his duties and responsibilities and to carry out such other duties as may be prescribed by law.

"(b) The Office of the Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.

"(2) The Under Secretary of Defense for Acquisition.

"(3) The Under Secretary of Defense for Policy.

"(4) The Director of Defense Research and Engineering.

"(5) The Assistant Secretaries of Defense.

"(6) The Comptroller of the Department of Defense.

"(7) The Director of Operational Test and Evaluation.

"(8) The General Counsel of the Department of Defense.

"(9) The Inspector General of the Department of Defense.

"(10) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.

"(c) Officers of the armed forces may be assigned or detailed to permanent duty in the Office of the Secretary of Defense. However, the Secretary may not establish a military staff in the Office of the Secretary of Defense.

"(d) The Secretary of each military department, and the civilian employees and members of the armed forces under the jurisdiction of the Secretary, shall cooperate fully with personnel of the Office of the Secretary of Defense to achieve efficient administration of the Department of Defense and to carry out effectively the authority, direction, and control of the Secretary of Defense.".

SEC. 105. UNDER SECRETARY FOR POLICY AND DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

Chapter 4 is further amended—

(1) by striking out the heading and subsection (a) of section 135 and inserting in lieu thereof the following:

"§134. Under Secretary of Defense for Policy

"(a) There is an Under Secretary of Defense for Policy, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Under Secretary within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b)(1) The Under Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

"(2) The Under Secretary shall assist the Secretary of Defense—

"(A) in preparing written policy guidance for the preparation and review of contingency plans; and

"(B) in reviewing such plans.

"(c) The Under Secretary takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, and the Secretaries of the military departments.

"§135. Director of Defense Research and Engineering

"(a) There is a Director of Defense Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate."; and

(2) by striking out the first sentence of subsections (b) and (c) of section 135 (as designated by paragraph (1)).

SEC. 106. ASSISTANT SECRETARIES OF DEFENSE

(a) REPEAL OF SPECIFICATION OF CERTAIN ASSISTANT SECRETARIES.—Subsection (b) of section 136 is amended—

(1) by striking out paragraphs (2) and (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(3) by striking out paragraph (6).

(b) PRECEDENCE.—Subsection (e) of such section is amended—

(1) by striking out "and the Under Secretaries of Defense" and inserting in lieu thereof "the Under Secretaries of Defense, and the Director of Defense Research and Engineering"; and

(2) by adding at the end the following new sentence: "The Assistant Secretaries take precedence among themselves in the order prescribed by the Secretary of Defense.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking out "him" in paragraph (1) and inserting in lieu thereof "the Assistant Secretary"; and

(B) by striking out ", or his designee" in paragraph (2);

(2) by striking out subsection (d); and

(3) by redesignating subsection (e) (as amended by subsection (b) of this section) as subsection (d).

SEC. 107. COMPTROLLER OF THE DEPARTMENT OF DEFENSE

Chapter 4 is further amended by inserting after section 136 the following new section:

"§ 137. Comptroller

"(a) There is a Comptroller of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Comptroller shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

"(c) The Comptroller shall advise and assist the Secretary of Defense—

"(1) in performing such budgetary and fiscal functions and duties, and in exercising such budgetary and fiscal powers, as are needed to carry out the powers of the Secretary;

"(2) in supervising and directing the preparation of budget estimates of the Department of Defense;

"(3) in establishing and supervising the execution of principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to—

"(A) the preparation and execution of budgets;

"(B) fiscal, cost, operating, and capital property accounting; and

"(C) progress and statistical reporting;

"(4) in establishing and supervising the execution of policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

"(5) in establishing uniform terminologies, classifications, and procedures concerning matters covered by clauses (1) through (4).".

SEC. 108. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

Chapter 4 is further amended by inserting after section 139 (as redesignated by section 101(a)) the following new section:

"§ 140. Inspector General

"(a) There is an Inspector General of the Department of Defense, who is appointed as provided in section 3 of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App. 3).

"(b) The Inspector General performs the duties, has the responsibilities, and exercises the powers specified in the Inspector General Act of 1978.".

SEC. 109. MANAGEMENT STUDIES OF OFFICE OF THE SECRETARY OF DEFENSE

(a) SECRETARY OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of the functions and organization of the Office of the Secretary of Defense. The study shall consider whether the present allocation of functions to, and the organizational structure of, the Office constitute the most effective, efficient, and economical allocation and structure of the Office to assist the Secretary in carrying out his duties and responsibilities. The study shall include consider-

ation of each of the matters specified in subsection (d).

(b) SERVICE SECRETARIES JOINT STUDY.—(1) The Secretaries of the military departments shall conduct a joint study of the functions and organization of the Office of the Secretary of Defense. The study shall be conducted independently of the study conducted by the Secretary of Defense under subsection (a). The Secretaries shall submit a joint report to the Secretary of Defense on such study at a time specified by the Secretary. Except as provided in paragraph (2), the report shall include a discussion of and recommendations concerning each of the matters specified in subsection (d).

(2) The Secretary of Defense shall determine the extent to which, and prescribe the procedures under which, the Secretaries of the military departments shall study the matters specified in subsection (d)(1)(A) relating to contingency planning and military operations.

(c) CHAIRMAN OF JCS STUDY.—The Chairman of the Joint Chiefs of Staff shall conduct a study of the functions and organization of the Office of the Secretary of Defense. The study shall be conducted independently of the study conducted by the Secretary of Defense under subsection (a). The Chairman shall submit a report to the Secretary of Defense on such study at a time specified by the Secretary. The report shall include a discussion of and recommendations concerning the matters specified in paragraphs (1)(C), (1)(D), (2), (3), (5), and (6) of subsection (d).

(d) MATTERS TO BE INCLUDED.—The study required by subsection (a) shall include consideration of the following:

(1) Whether the present organization of the Office—

(A) is optimally structured to assist the Secretary of Defense in the effective exercise of civilian control of the Department of Defense, including civilian control of—

(i) defense policy development and strategic planning;

(ii) program and budget development;

(iii) policy, program, and budget execution;

(iv) contingency planning; and

(v) military operations;

(B) is the most effective and efficient organization for the initiation, development, and articulation of defense policy;

(C) ensures that strategic planning and contingency planning are linked to, and derived from, national security strategy, policies, and objectives; and

(D) inhibits integration of the capabilities of the Armed Forces along mission lines.

(2) Whether the planning, programming, and budgeting system of the Department of Defense (including the role of the Office in such system) needs to be revised—

(A) to strengthen strategic planning and policy direction;

(B) to ensure that strategic planning is consistent with national security strategy, policies, and objectives;

(C) to ensure that there is a sufficient relationship between strategic planning and the resource levels projected to be available for the period for which the planning is to be effective;

(D) to ensure that strategic planning and program development give sufficient attention to alliances with other nations;

(E) to provide for more effective oversight, control, and evaluation of policy, program, and budget execution; and

(F) to ensure that past program and budget decisions are effectively evaluated, that such evaluations are supported by consistent, complete, and timely financial and performance data, and that such evaluations are fully considered in the next planning, programming, and budgeting cycle.

(3) Whether the major force program categories of the Five-Year Defense Plan could be restructured to better assist decisionmaking and management control.

(4) Means to improve and strengthen the oversight function within each element of the Office in policy areas not addressed by the planning, programming, and budgeting system.

(5) Factors inhibiting efficient and effective execution of the functions of the Office, including factors relating to—

(A) duplication of functions (both within the Office and between the Office and other elements of the Department);

(B) insufficient information; and

(C) insufficient resources (including personnel).

(6) Alternative allocations of authorities and functions of the Office and other reorganization proposals for the Office, including the desirability of—

(A) establishing Under Secretaries of Defense for mission-oriented areas of responsibility;

(B) decentralizing functions of the Office;

(C) reducing the number of officials reporting directly to the Secretary of Defense; and

(D) changing the ratio of members of the Armed Forces to civilian employees in the Office.

(7) Whether political appointees in the Office of the Secretary of Defense have sufficient experience and expertise, upon appointment, to be capable of contributing immediately to effective policy formulation and management.

(e) ANALYSIS OF CIVILIAN CONTROL.—(1) The Secretary of Defense, in considering under subsection (d)(1)(A) whether effective civilian control of the Department of Defense is best assisted by the current structure of the Office, shall examine the functions performed in the Office by—

(A) members of the Armed Forces on the active-duty list; and

(B) members of the Armed Forces in a retired status and members of the reserve components who are employed in a civilian capacity.

(2) Such examination shall include a determination of the total number of positions in the Office of the Secretary of Defense above grade GS-8 and the military equivalent (as determined by the Secretary of Defense), and of such number—

(A) the number of positions held by members of the Armed Forces on the active-duty list, shown for the military equivalent of each civilian pay grade by number and as a percentage of the total number of positions in the Office in the civilian pay grade concerned and in the military equivalent of such civilian pay grade;

(B) the number of such positions held by members of the Armed Forces in a retired status who are serving in a civilian capacity, shown for each civilian pay grade in the same manner as provided under clause (A); and

(C) the number of such positions held by members of the reserve components who are serving in a civilian capacity, shown for each civilian pay grade in the same manner as provided under clause (A).

(3) In determining the total number of positions in the Office of the Secretary of Defense in grades above GS-8, the Secretary shall exclude positions which are primarily clerical or secretarial.

(f) INDEPENDENT CONTRACTOR STUDY.—The Secretary shall provide for an independent study to be carried out by a contractor to consider the same matters required to be considered by the Secretary under subsection (d). The Secretary shall ensure that the contractor has full access to such information as the contractor requires and that the contractor otherwise receives full cooperation from all officials and entities of the Department of Defense.

(g) REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to Congress a report on the Secretary's study under subsection (a). The report shall include—

(A) the findings and conclusions of the Secretary with respect to each of the matters set forth in subsection (d);

(B) the findings and statistical determinations required under subsection (e); and

(C) any recommendations of the Secretary for organizational changes in the Office of the Secretary of Defense and a description of the means for implementing each recommendation.

(2) The Secretary shall include with the report a copy of the reports to the Secretary under subsections (b) and (c) and a copy of the report of the independent contractor under subsection (f), together with such comments on each such report as the Secretary considers appropriate.

(3) The report under this subsection shall be submitted not later than one year after the date of the enactment of this Act.

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS

(a) CONFORMING AMENDMENT FOR OFFICE OF SECRETARY OF DEFENSE.—Chapter 41 is amended—

(1) by striking out section 718; and

(2) by striking out the item relating to that section in the table of sections at the beginning of such chapter.

(b) REVISION OF OLD SECTION 138.—Section 114 (as transferred and redesignated by section 101(a)) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"§114. Annual authorization of appropriations";

(2) by transferring subsection (h) to the end of section 113 (as transferred and redesignated by section 101(a) and amended by section 102) and redesignating such subsection as subsection (i);

(3) by striking out "(as defined in subsection (f))" in subsection (a)(6);

(4) by inserting after subsection (a) the following:

"§ 115. Annual authorization of personnel strengths; annual manpower requirements report";

(5) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(6) by inserting after such subsection (c) (as so redesignated) the following:

"§ 116. Annual operations and maintenance report";

(7) by redesignating subsection (e) as subsection (a);

(8) by transferring subsection (f)(1) to the end of section 114 (as determined by the amendments made by this subsection) and striking out "(f)(1)" therein and inserting in lieu thereof "(b)";

(9) by striking out "(2) In subsection (e)" and inserting in lieu thereof "(b) In this section";

(10) by striking out "(A) 'Combat" and "(B) 'Major" and inserting in lieu thereof "(1) The term 'combat" and "(2) The term 'major", respectively; and

(11) by transferring subsections (g) and (i) to the end of section 114 (as determined by the amendments made by this subsection) and redesignating such subsections as subsections (c) and (d), respectively.

(c) TECHNICAL AMENDMENTS.—(1) Section 133 (as redesignated by section 101(a)) is amended by inserting "of Defense" in subsection (a) after "Under Secretary".

(2) The heading of chapter 3 is amended to read as follows:

"CHAPTER 3—GENERAL POWERS AND FUNCTIONS".

(d) REVISED SECTION HEADINGS.—(1) The heading of section 112 (as redesignated by section 101(a)) is amended to read as follows:

"§ 112. Department of Defense: seal".

(2) The heading of section 113 (as redesignated by section 101(a)) is amended to read as follows:

"§ 113. Secretary of Defense".

(3) The heading of section 117 (as redesignated by section 101(a)) is amended to read as follows:

"§ 117. Annual report on North Atlantic Treaty Organization readiness".

(4) The heading of section 127 (as redesignated by section 101(a)) is amended to read as follows:

"§ 127. Emergency and extraordinary expenses".

(5) The heading of section 128 (as redesignated by section 101(a)) is amended to read as follows:

"§ 128. Funds transfers for foreign cryptologic support".

(6) The heading of section 130 (as redesignated by section 101(a)) is amended to read as follows:

"§ 130. Authority to withhold from public disclosure certain technical data".

(7) The heading of section 132 (as redesignated by section 101(a)) is amended to read as follows:

"§ 132. Deputy Secretary of Defense".

(8) The heading of section 133 (as redesignated by section 101(a)) is amended to read as follows:

"§ 133. Under Secretary of Defense for Acquisition".

(9) The heading of section 136 is amended to read as follows:

"§ 136. Assistant Secretaries of Defense".

(10) The heading of section 138 (as redesignated by section 101(a)) is amended to read as follows:

"§ 138. Director of Operational Test and Evaluation".

(11) The heading of section 139 (as redesignated by section 101(a)) is amended to read as follows:

"§ 139. General Counsel".

(12) The heading of section 2431 (as redesignated by section 101(a)) is amended to read as follows:

"§ 2431. Weapons development and procurement schedules".

(13) The heading of section 2432 (as redesignated by section 101(a)) is amended to read as follows:

"§ 2432. Selected Acquisition Reports".

(14) The heading of section 2433 (as redesignated by section 101(a)) is amended to read as follows:

"§ 2433. Unit cost reports".

(15) The heading of section 2434 (as redesignated by section 101(a)) is amended to read as follows:

"§ 2434. Independent cost estimates".

(e) CLERICAL AMENDMENTS FOR REORGANIZATION OF CHAPTER 4.—(1) The table of sections at the beginning of chapter 3 is amended by adding at the end the following new items:

"127. Emergency and extraordinary expenses.
"128. Funds transfers for foreign cryptologic support.
"129. Prohibition of certain civilian personnel management constraints.
"130. Authority to withhold from public disclosure certain technical data.".

(2) The table of sections at the beginning of chapter 4 is amended to read as follows:

"Sec.
"131. Office of the Secretary of Defense.
"132. Deputy Secretary of Defense.
"133. Under Secretary of Defense for Acquisition.
"134. Under Secretary of Defense for Policy.
"135. Director of Defense Research and Engineering.
"136. Assistant Secretaries of Defense.
"137. Comptroller.
"138. Director of Operational Test and Evaluation.
"139. General Counsel.
"140. Inspector General.".

(g) CROSS REFERENCE AMENDMENTS TO TITLE 10.—(1) Section 138(a)(2)(B) (as redesignated by section 101(a)) is amended by striking out "section 139a(a)(1)" and inserting in lieu thereof "section 2432(a)(1)".

(2) Section 1621(3) is amended by striking out "section 139a(a)(1)" and inserting in lieu thereof "section 2432(a)(1)".

(3) Section 2305a(d) is amended—

(A) by striking out "section 139a(a)" in paragraph (1) and inserting in lieu thereof "section 2432(a)"; and

(B) by striking out "section 139a(a)(1)(B)" both places it appears in paragraph (2) and inserting in lieu thereof "section 2432(a)(1)(B)".

(4) Section 2362(e)(2) is amended by striking out "section 139a" and inserting in lieu thereof "section 2432".

(5) Section 2403(e) is amended by striking out "section 139a" in paragraphs (1) and (2) and inserting in lieu thereof "section 2432".

(6) Section 2431 (as redesignated by section 101(a)) is amended by striking out "section 138(a)" in subsection (a) and inserting in lieu thereof "section 114(a)".

(7) Section 2432(c) (as redesignated by section 101(a)) is amended by striking out "section 139" in subsection (c)(1) and inserting in lieu thereof "section 2431".

(8) Section 2433 (as redesignated by section 101(a)) is amended—

(A) by striking out "section 139a(a)" in subsection (a)(1) and inserting in lieu thereof "section 2432(a)"; and

(B) by striking out "section 139a(b)(3)" in subsection (b) and inserting in lieu thereof "section 2432(b)(3)".

(9) Section 2434(b)(1) (as redesignated by section 101(a)) is amended by striking out "section 139a(a)(1)" and inserting in lieu thereof "section 2432(a)(1)".

(10) Section 8062(e) is amended by striking out "section 138" and inserting in lieu thereof "section 114".

(h) CROSS REFERENCE AMENDMENTS TO OTHER ACTS.—(1) Section 51(c)(1) of the Arms Export Control Act (22 U.S.C. 2795(c)(1)) is amended by striking out "section 138(g)" and inserting in lieu thereof "section 114(c)".

(2) Section 53(b) of the Arms Export Control Act (22 U.S.C. 2795b(b)) is amended by striking out "section 139(a)" and inserting in lieu thereof "section 2431(a)".

(3) Section 303(c) of the Internal Security Act of 1950 (50 U.S.C. 833(c)) is amended by striking out "section 133(d)" and inserting in lieu thereof "section 113(d)".

TITLE II—MILITARY ADVICE AND COMMAND FUNCTIONS

PART A—JOINT CHIEFS OF STAFF

SEC. 201. REVISED FUNCTIONS OF CHAIRMAN; ESTABLISHMENT OF VICE CHAIRMAN

Chapter 5 is amended to read as follows:

"CHAPTER 5—JOINT CHIEFS OF STAFF

"Sec.
"151. Joint Chiefs of Staff: composition; functions.
"152. Chairman: appointment; rank.
"153. Chairman: functions.
"154. Vice Chairman.
"155. Joint Staff.

"§151. Joint Chiefs of Staff: composition; functions

"(a) COMPOSITION.—There are in the Department of Defense the Joint Chiefs of Staff, headed by the Chairman of the Joint Chiefs of Staff. The Joint Chiefs of Staff consist of the following:

"(1) The Chairman.
"(2) The Chief of Staff of the Army.
"(3) The Chief of Naval Operations.
"(4) The Chief of Staff of the Air Force.
"(5) The Commandant of the Marine Corps.

"(b) FUNCTION AS MILITARY ADVISERS.—(1) The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense.

"(2) The other members of the Joint Chiefs of Staff are military advisers to the President, the National Security Council, and the Secretary of Defense as specified in subsections (d) and (e).

"(c) CONSULTATION BY CHAIRMAN.—(1) In carrying out his functions, duties, and responsibilities, the Chairman shall, as he considers appropriate, consult with and seek the advice of—

"(A) the other members of the Joint Chiefs of Staff; and

"(B) the commanders of the unified and specified combatant commands.

"(2) Subject to subsection (d), in presenting advice with respect to any matter to the President, the National Security Council, or the Secretary of Defense, the Chairman shall, as he considers appropriate, inform the President, the National Security Council, or the Secretary of Defense, as the case may be, of the range of military advice and opinion with respect to that matter.

"(d) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—(1) A member of the Joint Chiefs of Staff (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the National Security Council, or the Secretary of Defense. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time he presents his own advice to the President, the National Security Council, or the Secretary of Defense, as the case may be.

"(2) The Chairman shall establish procedures to ensure that the presentation of his

own advice to the President, the National Security Council, or the Secretary of Defense is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Joint Chiefs of Staff.

"(e) ADVICE ON REQUEST.—The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisers, shall provide advice to the President, the National Security Council, or the Secretary of Defense on a particular matter when the President, the National Security Council, or the Secretary requests such advice.

"(f) RECOMMENDATIONS TO CONGRESS.—After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(g) MEETINGS OF JCS.—(1) The Chairman shall convene regular meetings of the Joint Chiefs of Staff.

"(2) Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman shall—

"(A) preside over the Joint Chiefs of Staff;

"(B) provide agenda for the meetings of the Joint Chiefs of Staff (including, as the Chairman considers appropriate, any subject for the agenda recommended by any other member of the Joint Chiefs of Staff);

"(C) assist the Joint Chiefs of Staff in carrying on their business as promptly as practicable; and

"(D) determine when issues under consideration by the Joint Chiefs of Staff shall be decided.

"§ 152. Chairman: appointment; rank

"(a) APPOINTMENT; TERM OF OFFICE.—(1) There is a Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chairman serves at the pleasure of the President for a term of two years, beginning on October 1 of odd-numbered years. Subject to paragraph (3), an officer serving as Chairman may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.

"(2) In the event of the death, retirement, resignation, or reassignment of the officer serving as Chairman before the end of the term for which the officer was appointed, an officer appointed to fill the vacancy shall serve as Chairman only for the remainder of the original term, but may be reappointed as provided in paragraph (1).

"(3) An officer may not serve as Chairman or Vice Chairman of the Joint Chiefs of Staff if the combined period of service of such officer in such positions exceeds six years. However, the President may extend to eight years the combined period of service an officer may serve in such positions if he determines such action is in the national interest. The limitations of this paragraph do not apply in time of war.

"(b) REQUIREMENT FOR APPOINTMENT.—(1) The President may appoint an officer as Chairman of the Joint Chiefs of Staff only if the officer has served as—

"(A) the Vice Chairman of the Joint Chiefs of Staff;

"(B) the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps; or

"(C) the commander of a unified or specified combatant command.

"(2) The President may waive paragraph (1) in the case of an officer if the President determines such action is necessary in the national interest.

"(c) GRADE AND RANK.—The Chairman, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces. However, he may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

"§ 153. Chairman: functions

"(a) PLANNING; ADVICE; POLICY FORMULATION.—Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the Joint Chiefs of Staff shall be responsible for the following:

"(1) STRATEGIC DIRECTION.—Assisting the President and the Secretary of Defense in providing for the strategic direction of the armed forces.

"(2) STRATEGIC PLANNING.—(A) Preparing strategic plans, including plans which conform with resource levels projected by the Secretary of Defense to be available for the period of time for which the plans are to be effective.

"(B) Preparing joint logistic and mobility plans to support those strategic plans and recommending the assignment of logistic and mobility responsibilities to the armed forces in accordance with those logistic and mobility plans.

"(C) Performing net assessments to determine the capabilities of the armed forces of the United States and its allies as compared with those of their potential adversaries.

"(3) CONTINGENCY PLANNING; PREPAREDNESS.—(A) Providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense.

"(B) Preparing joint logistic and mobility plans to support those contingency plans and recommending the assignment of logistic and mobility responsibilities to the armed forces in accordance with those logistic and mobility plans.

"(C) Advising the Secretary on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support) identified during the preparation and review of contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans.

"(D) Establishing and maintaining, after consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the preparedness of each such command to carry out missions assigned to the command.

"(4) ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.—(A) Advising the Secretary, under section 163(b)(2) of this title, on the priorities of the requirements identified by the commanders of the unified and specified combatant commands.

"(B) Advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in strategic plans and with the priorities established for the requirements of the unified and specified combatant commands.

"(C) Submitting to the Secretary alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in clause (B).

"(D) Recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command.

"(E) Advising the Secretary on the extent to which the major programs and policies of the armed forces in the area of manpower conform with strategic plans.

"(F) Assessing military requirements for defense acquisition programs.

"(5) DOCTRINE, TRAINING, AND EDUCATION.—(A) Developing doctrine for the joint employment of the armed forces.

"(B) Formulating policies for the joint training of the armed forces.

"(C) Formulating policies for coordinating the military education and training of members of the armed forces.

"(6) OTHER MATTERS.—(A) Providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations.

"(B) Performing such other duties as may be prescribed by law or by the President or the Secretary of Defense.

"(b) REPORT ON ASSIGNMENT OF ROLES AND MISSIONS.—(1) Not less than once every three years, or upon the request of the President or the Secretary of Defense, the Chairman shall submit to the Secretary of Defense a report containing such recommendations for changes in the assignment of functions (or roles and missions) to the armed forces as the Chairman considers necessary to achieve maximum effectiveness of the armed forces. In preparing each such report, the Chairman shall consider (among other matters) the following:

"(A) Changes in the nature of the threats faced by the United States.

"(B) Unnecessary duplication of effort among the armed forces.

"(C) Changes in technology that can be applied effectively to warfare.

"(2) The Chairman shall include in each such report recommendations for such changes in policies, directives, regulations, and legislation as may be necessary to achieve the changes in the assignment of functions recommended by the Chairman.

"§ 154. Vice Chairman

"(a) APPOINTMENT.—(1) There is a Vice Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces.

"(2) The Chairman and Vice Chairman may not be members of the same armed force. However, the President may waive the restriction in the preceding sentence for a limited period of time in order to provide for the orderly transition of officers appointed to serve in the positions of Chairman and Vice Chairman.

"(3) The Vice Chairman serves at the pleasure of the President for a term of two years and may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.

"(b) REQUIREMENT FOR APPOINTMENT.—(1) The President may appoint an officer as Vice Chairman of the Joint Chiefs of Staff only if the officer—

"(A) has the joint specialty under section 661 of this title; and

"(B) has served in at least one joint duty assignment (as defined under section 668(b) of this title) as a general or flag officer.

"(2) The President may waive paragraph (1) in the case of an officer if the President determines such action is necessary in the national interest.

"(c) DUTIES.—The Vice Chairman performs such duties as may be prescribed by the Chairman with the approval of the Secretary of Defense.

"(d) FUNCTION AS ACTING CHAIRMAN.—When there is a vacancy in the office of Chairman or in the absence or disability of the Chairman, the Vice Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.

"(e) SUCCESSION AFTER CHAIRMAN AND VICE CHAIRMAN.—When there is a vacancy in the offices of both Chairman and Vice Chairman or in the absence or disability of both the Chairman and the Vice Chairman, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the President shall designate a member of the Joint Chiefs of Staff to act as and perform the duties of the Chairman until a successor to the Chairman or Vice Chairman is appointed or the absence or disability of the Chairman or Vice Chairman ceases.

"(f) PARTICIPATION IN JCS MEETINGS.—The Vice Chairman may participate in all meetings of the Joint Chiefs of Staff, but may not vote on a matter before the Joint Chiefs of Staff except when acting as Chairman.

"(g) GRADE AND RANK.—The Vice Chairman, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces except the Chairman. The Vice Chairman may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

"§ 155. Joint Staff

"(a) APPOINTMENT OF OFFICERS TO JOINT STAFF.—(1) There is a Joint Staff under the Chairman of the Joint Chiefs of Staff. The Joint Staff assists the Chairman and, subject to the authority, direction, and control of the Chairman, the other members of the Joint Chiefs of Staff and the Vice Chairman in carrying out their responsibilities.

"(2) Officers of the armed forces (other than the Coast Guard) assigned to serve on the Joint Staff shall be selected by the Chairman in approximately equal numbers from—

"(A) the Army;

"(B) the Navy and the Marine Corps; and

"(C) the Air Force.

"(3) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by the Secretary of the military department having jurisdiction over that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

"(b) DIRECTOR.—The Chairman of the Joint Chiefs of Staff, after consultation with the other members of the Joint Chiefs of Staff and with the approval of the Secretary of Defense, may select an officer to serve as Director of the Joint Staff.

"(c) MANAGEMENT OF JOINT STAFF.—The Chairman of the Joint Chiefs of Staff manages the Joint Staff and the Director of the Joint Staff. The Joint Staff shall perform such duties as the Chairman prescribes and shall perform such duties under such procedures as the Chairman prescribes.

"(d) OPERATION OF JOINT STAFF.—The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff supports the Chairman of the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 401) to provide—

"(1) for the unified strategic direction of the combatant forces;

"(2) for their operation under unified command; and

"(3) for their integration into an efficient team of land, naval, and air forces.

"(e) PROHIBITION OF FUNCTION AS ARMED FORCES GENERAL STAFF.—The Joint Staff shall not operate or be organized as an overall Armed Forces General Staff and shall have no executive authority. The Joint Staff may be organized and may operate along conventional staff lines.

"(f) TOUR OF DUTY OF JOINT STAFF OFFICERS.—(1) An officer who is assigned or detailed to permanent duty on the Joint Staff may not serve for a tour of duty of more than four years. However, such a tour of duty may be extended with the approval of the Secretary of Defense.

"(2) In accordance with procedures established by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff may suspend from duty and recommend the reassignment of any officer assigned to the Joint Staff. Upon receipt of such a recommendation, the Secretary concerned shall promptly reassign the officer.

"(3) An officer completing a tour of duty with the Joint Staff may not be assigned or detailed to permanent duty on the Joint Staff within two years after relief from that duty except with the approval of the Secretary.

"(4) Paragraphs (1) and (3) do not apply—

"(A) in time of war; or

"(B) during a national emergency declared by the President.

"(g) LIMITATION ON SIZE OF JOINT STAFF.—(1) Effective on October 1, 1988, the total number of members of the armed forces and civilian personnel assigned or detailed to permanent duty on the Joint Staff may not exceed 1,627.

"(2) Paragraph (1) does not apply—

"(A) in time of war; or

"(B) during a national emergency declared by Congress.

"(h) COMPOSITION OF JOINT STAFF.—(1) The Joint Staff is composed of all members of the armed forces and civilian employees assigned or detailed to permanent duty in the executive part of the Department of Defense to perform the functions and duties prescribed under subsections (a) and (c).

"(2) The Joint Staff does not include members of the armed forces or civilian employees assigned or detailed to permanent duty in a military department.".

SEC. 202. PROVISIONS RELATING TO VICE CHAIRMAN

(a) EXEMPTION OF VICE CHAIRMAN FROM 4-STAR GRADE LIMITATION.—Section 525(b)(3) is amended by inserting "or Vice Chairman" after "Chairman".

(b) RANK OF VICE CHAIRMAN.—Section 743 is amended—

(1) by striking out "and" after "Chief of Naval Operations,";

(2) by inserting ", and the Commandant of the Marine Corps" after "Air Force"; and

(3) by inserting "and the Vice Chairman" after "Chairman".

SEC. 203. PARTICIPATION IN NATIONAL SECURITY COUNCIL MEETINGS

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

"(e) The Chairman (or in his absence the Vice Chairman) of the Joint Chiefs of Staff may, in his role as principal military adviser to the National Security Council and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

SEC. 204. TRANSITION

(a) PREPAREDNESS EVALUATION SYSTEM.—The uniform system of evaluating the preparedness of each unified and specified combatant command required to be established by paragraph (3)(D) of section 153(a) of title 10, United States Code, as added by section 201 of this Act, shall be established not later than one year after the date of the enactment of this Act.

(b) DATE FOR FIRST REPORT.—The first report under section 153(b) of title 10, United States Code, as added by section 201 of this Act, shall be submitted by the Chairman of the Joint Chiefs of Staff not later than two years after the date of the enactment of this Act.

(c) WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS VICE CHAIRMAN OF JCS.—(1) The President may waive, as provided in paragraph (2), the requirements provided for in section 154(b) of title 10, United States Code (as added by section 201 of this Act), relating to requirements for appointment of an officer as Vice Chairman of the Joint Chiefs of Staff.

(2) In exercising such waiver authority, the President may—

(A) waive the requirement that the officer have the joint specialty;

(B) waive the requirement under section 664 of such title (as added by section 401 of this Act) for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(C) consider as a joint duty assignment any tour of duty served by the officer as a general or flag officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

(3)(A) A waiver under paragraph (2)(A) may not be made more than two years after the date of the enactment of this Act.

(B) A waiver under paragraph (2)(B) or (2)(C) may not be made more than four years after the date of the enactment of this Act.

PART B—COMBATANT COMMANDS

SEC. 211. ESTABLISHMENT OF COMBATANT COMMANDS AND AUTHORITY OF COMMANDERS

(a) IN GENERAL.—Part I of subtitle A is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—COMBATANT COMMANDS

"§ 161. Combatant commands: establishment

"(a) UNIFIED AND SPECIFIED COMBATANT COMMANDS.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

"(1) establish unified combatant commands and specified combatant commands to perform military missions; and

"(2) prescribe the force structure of those commands.

"(b) PERIODIC REVIEW.—(1) The Chairman periodically (and not less often than every two years) shall—

"(A) review the missions, responsibilities (including geographic boundaries), and force structure of each combatant command; and

"(B) recommend to the President, through the Secretary of Defense, any changes to such missions, responsibilities, and force structures as may be necessary.

"(2) Except during time of hostilities or imminent threat of hostilities, the President shall notify Congress not more than 60 days after—

"(A) establishing a new combatant command; or

"(B) significantly revising the missions, responsibilities, or force structure of an existing combatant command.

"(c) DEFINITIONS—In this chapter:

"(1) The term 'unified combatant command' means a military command which has broad, continuing missions and which is composed of forces from two or more military departments.

"(2) The term 'specified combatant command' means a military command which has broad, continuing missions and which is normally composed of forces from a single military department.

"(3) The term 'combatant command' means a unified combatant command or a specified combatant command.

"§ 162. Combatant commands: assigned forces; chain of command

"(a) ASSIGNMENT OF FORCES.—(1) Except as provided in paragraph (2), the Secretaries of the military departments shall assign all forces under their jurisdiction to unified and specified combatant commands to perform missions assigned to those commands. Such assignments shall be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned. The Secretary of Defense shall ensure that such assignments are consistent with the force structure prescribed by the President for each combatant command.

"(2) Except as otherwise directed by the Secretary of Defense, forces to be assigned by the Secretaries of the military departments to the combatant commands under paragraph (1) do not include forces assigned to carry out functions of the Secretary of a military department listed in sections 3013(b), 5013(b), and 8013(b) of this title.

"(3) A force assigned to a combatant command under this section may be transferred from the command to which it is assigned only—

"(A) by authority of the Secretary of Defense; and

"(B) under procedures prescribed by the Secretary and approved by the President.

"(4) Except as otherwise directed by the Secretary of Defense, all forces operating within the geographic area assigned to a unified combatant command shall be assigned to, and under the command of, the commander of that command. The preceding sentence applies to forces assigned to a specified combatant command only as prescribed by the Secretary of Defense.

"(b) CHAIN OF COMMAND.—Unless otherwise directed by the President, the chain of command to a unified or specified combatant command runs—

"(1) from the President to the Secretary of Defense; and

"(2) from the Secretary of Defense to the commander of the combatant command.

"§ 163. Role of Chairman of Joint Chiefs of Staff

"(a) COMMUNICATIONS THROUGH CHAIRMAN OF JCS; ASSIGNMENT OF DUTIES.—Subject to the limitations in section 152(c) of this title, the President may—

"(1) direct that communications between the President or the Secretary of Defense and the commanders of the unified and specified combatant commands be transmitted through the Chairman of the Joint Chiefs of Staff; and

"(2) assign duties to the Chairman to assist the President and the Secretary of Defense in performing their command function.

"(b) OVERSIGHT BY CHAIRMAN OF JOINT CHIEFS OF STAFF.—(1) The Secretary of Defense may assign to the Chairman of the Joint Chiefs of Staff responsibility for overseeing the activities of the combatant commands. Such assignment by the Secretary to the Chairman does not confer any command authority on the Chairman and does not alter the responsibility of the commanders of the combatant commands prescribed in section 164(b)(2) of this title.

"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff serves as the spokesman for the commanders of the combatant commands, especially on the operational requirements of their commands. In performing such function, the Chairman shall—

"(A) confer with and obtain information from the commanders of the combatant commands with respect to the requirements of their commands;

"(B) evaluate and integrate such information;

"(C) advise and make recommendations to the Secretary of Defense with respect to the requirements of the combatant commands, individually and collectively; and

"(D) communicate, as appropriate, the requirements of the combatant commands to other elements of the Department of Defense.

"§ 164. Commanders of combatant commands: assignment; powers and duties

"(a) ASSIGNMENT AS COMBATANT COMMANDER.—(1) The President may assign an officer to serve as the commander of a unified or specified combatant command only if the officer—

"(A) has the joint specialty under section 661 of this title; and

"(B) has served in at least one joint duty assignment (as defined under section 668(b) of this title) as a general or flag officer.

"(2) The President may waive paragraph (1) in the case of an officer if the President determines that such action is necessary in the national interest.

"(b) RESPONSIBILITIES OF COMBATANT COMMANDERS.—(1) The commander of a combatant command is responsible to the President and to the Secretary of Defense for the performance of missions assigned to that command by the President or by the Secretary with the approval of the President.

"(2) Subject to the direction of the President, the commander of a combatant command—

"(A) performs his duties under the authority, direction, and control of the Secretary of Defense; and

"(B) is directly responsible to the Secretary for the preparedness of the command to carry out missions assigned to the command.

"(c) COMMAND AUTHORITY OF COMBATANT COMMANDERS.—(1) Unless otherwise directed by the President or the Secretary of Defense, the authority, direction, and control of the commander of a combatant command with respect to the commands and forces assigned to that command include the command functions of—

"(A) giving authoritative direction to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics;

"(B) prescribing the chain of command to the commands and forces within the command;

"(C) organizing commands and forces within that command as he considers necessary to carry out missions assigned to the command;

"(D) employing forces within that command as he considers necessary to carry out missions assigned to the command;

"(E) assigning command functions to subordinate commanders;

"(F) coordinating and approving those aspects of administration and support (including control of resources and equipment, internal organization, and training) and discipline necessary to carry out missions assigned to the command; and

"(G) exercising the authority with respect to selecting subordinate commanders, selecting combatant command staff, suspending subordinates, and convening courts-martial, as provided in subsections (e), (f), and (g) of this section and section 822(a) of this title, respectively.

"(2)(A) The Secretary of Defense shall ensure that a commander of a combatant command has sufficient authority, direction, and control over the commands and forces assigned to the command to exercise effective command over those commands and forces. In carrying out this subparagraph, the Secretary shall consult with the Chairman of the Joint Chiefs of Staff.

"(B) The Secretary shall periodically review and, after consultation with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the commander of the combatant command, assign authority to the commander of the combatant command for those aspects of administration and support that the Secretary considers necessary to carry out missions assigned to the command.

"(3) If a commander of a combatant command at any time considers his authority, direction, or control with respect to any of the commands or forces assigned to the command to be insufficient to command effectively, the commander shall promptly inform the Secretary of Defense.

"(d) AUTHORITY OVER SUBORDINATE COMMANDERS.—Unless otherwise directed by the President or the Secretary of Defense—

"(1) commanders of commands and forces assigned to a combatant command are under the authority, direction, and control of, and are responsible to, the commander of the combatant command on all matters for which the commander of the combatant command has been assigned authority under subsection (c);

"(2) the commander of a command or force referred to in clause (1) shall communicate with other elements of the Department of Defense on any matter for which the commander of the combatant command has been assigned authority under subsection (c) in accordance with procedures, if any, established by the commander of the combatant command;

"(3) other elements of the Department of Defense shall communicate with the commander of a command or force referred to in clause (1) on any matter for which the commander of the combatant command has been assigned authority under subsection (c) in accordance with procedures, if any, established by the commander of the combatant command; and

"(4) if directed by the commander of the combatant command, the commander of a command or force referred to in clause (1) shall advise the commander of the combatant command of all communications to and from other elements of the Department of Defense on any matter for which the commander of the combatant command has not been assigned authority under subsection (c).

"(e) SELECTION OF SUBORDINATE COMMANDERS.—(1) An officer may be assigned to a position as the commander of a command directly subordinate to the commander of a combatant command or, in the case of such a position that is designated under section 601 of this title as a position of importance and responsibility, may be recommended to the President for assignment to that position, only—

"(A) with the concurrence of the commander of the combatant command; and

"(B) in accordance with procedures established by the Secretary of Defense.

"(2) The Secretary of Defense may waive the requirement under paragraph (1) for the concurrence of the commander of a combatant command with regard to the assignment (or recommendation for assignment) of a particular officer if the Secretary of Defense determines that such action is in the national interest.

"(3) The commander of a combatant command shall—

"(A) evaluate the duty performance of each commander of a command directly subordinate to the commander of such combatant command; and

"(B) submit the evaluation to the Secretary of the military department concerned and the Chairman of the Joint Chiefs of Staff.

"(f) COMBATANT COMMAND STAFF.—(1) Each unified and specified combatant command shall have a staff to assist the commander of the command in carrying out his responsibilities. Positions of responsibility on the combatant command staff shall be filled by officers from each of the armed forces having significant forces assigned to the command.

"(2) An officer may be assigned to a position on the staff of a combatant command or, in the case of such a position that is designated under section 601 of this title as a position of importance and responsibility, may be recommended to the President for assignment to that position, only—

"(A) with the concurrence of the commander of such command; and

"(B) in accordance with procedures established by the Secretary of Defense.

"(3) The Secretary of Defense may waive the requirement under paragraph (2) for the concurrence of the commander of a combatant command with regard to the assignment (or recommendation for assignment) of a particular officer to serve on the staff of the combatant command if the Secretary of Defense determines that such action is in the national interest.

"(g) AUTHORITY TO SUSPEND SUBORDINATES.—In accordance with procedures established by the Secretary of Defense, the commander of a combatant command may suspend from duty and recommend the reassignment of any officer assigned to such combatant command.

"§165. Combatant commands: administration and support

"(a) IN GENERAL.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide for the administration and support of forces assigned to each combatant command.

"(b) RESPONSIBILITY OF SECRETARIES OF MILITARY DEPARTMENTS.—Subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of commanders of the combatant commands under section 164(c) of this title, the Secretary of a military department is responsible for the administration and support of forces assigned by him to a combatant command.

"(c) ASSIGNMENT OF RESPONSIBILITY TO OTHER COMPONENTS OF DOD.—After consultation with the Secretaries of the military departments, the Secretary of Defense may assign the responsibility (or any part of the responsibility) for the administration and support of forces assigned to the combatant commands to other components of the Department of Defense (including Defense Agencies and combatant commands). A component assigned such a responsibility shall discharge that responsibility subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of commanders of the combatant commands under section 164(c) of this title.

"§166. Combatant commands: budget proposals

"(a) COMBATANT COMMAND BUDGETS.—The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for such activities of each of the unified and specified combatant commands as may be determined under subsection (b).

"(b) CONTENT OF PROPOSALS.—A budget proposal under subsection (a) for funding of activities of a combatant command shall include funding proposals for such activities of the combatant command as the Secretary (after consultation with the Chairman of the Joint Chiefs of Staff) determines to be appropriate for inclusion. Activities of a combatant command for which funding may be requested in such a proposal include the following:

"(1) Joint exercises.

"(2) Force training.

"(3) Contingencies.

"(4) Selected operations.".

(b) COURT-MARTIAL JURISDICTION.—Section 822(a) (article 22(a) of the Uniform Code of Military Justice) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (1) the following new paragraphs (2) and (3):

"(2) the Secretary of Defense;

"(3) the commanding officer of a unified or specified combatant command;".

(c) REPEAL OF SECTION 124.—(1) Section 124 is repealed.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to that section.

SEC. 212. INITIAL REVIEW OF COMBATANT COMMANDS

(a) MATTERS TO BE CONSIDERED.—The first review of the missions, responsibilities (including geographic boundaries), and force structure of the unified and specified combatant commands under section 161(b) of title 10, United States Code, as added by section 211 of this Act, shall include consideration of the following:

(1) Creation of a unified combatant command for strategic missions which would combine—

(A) the missions, responsibilities, and forces of the Strategic Air Command;

(B) the strategic missions, responsibilities, and forces of the Army and Navy; and

(C) other appropriate strategic missions, responsibilities, and forces of the armed forces.

(2) Creation of a unified combatant command for special operations missions which would combine the special operations missions, responsibilities, and forces of the armed forces.

(3) Creation of a unified combatant command for transportation missions which would combine the transportation missions, responsibilities, and forces of the Military Traffic Management Command, the Military Sealift Command, and the Military Airlift Command.

(4) Creation of a unified combatant command for missions relating to defense of Northeast Asia.

(5) Revision of the geographic area for which the United States Central Command has responsibility so as to include—

(A) the ocean areas adjacent to Southwest Asia; and

(B) the region of the Middle East that is assigned to the United States European Command.

(6) Revision of the geographic area for which the United States Southern Command has responsibility so as to include the ocean areas adjacent to Central America.

(7) Revision of the geographic area for which the United States Pacific Command has responsibility so as to include all of the State of Alaska.

(8) Revision of the missions and responsibilities of the United States Readiness Command so as to include—

(A) an enhanced role in securing the borders of the United States; and

(B) assignment of regions of the world not assigned as part of the geographic area of responsibility of any other unified combatant command.

(9) Revision of the division of missions and responsibilities between the United States Central Command and the United States Readiness Command.

(10) Elimination of the command designated as United States Forces, Caribbean.

(b) DEADLINE.—The first report to the President under such section shall be made not later than one year after the date of the enactment of this Act.

SEC. 213. REPEAL OF CERTAIN LIMITATIONS ON COMMAND STRUCTURE

(a) PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS.—Section 1110 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 747), is repealed.

(b) PROHIBITION AGAINST ALTERING COMMAND STRUCTURE FOR MILITARY FORCES IN ALASKA.—Section 8106 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1221)), is repealed.

SEC. 214. TRANSITION

(a) ASSIGNMENT OF FORCES TO COMBATANT COMMANDS.—Section 162(a) of title 10, United States Code (as added by section 211 of this Act), shall be implemented not later than 90 days after the date of the enactment of this Act.

(b) WAIVER OF QUALIFICATIONS FOR ASSIGNMENT AS COMBATANT COMMANDER.—(1) The President may waive, as provided in paragraph (2), the requirements provided for in section 164(a) of title 10, United States Code (as added by section 201 of this Act), relating to the assignment of commanders of the combatant commands.

(2) In exercising such waiver authority, the President may, in the case of any officer—

(A) waive the requirement that the officer has the joint specialty;

(B) waive the requirement under section 664 of such title (as added by section 401 of this Act) for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(C) consider as a joint duty assignment any tour of duty served by the officer as a general or flag officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

(3)(A) A waiver under paragraph (2)(A) may not be made more than two years after the date of the enactment of this Act.

(B) A waiver under paragraph (2)(B) or (2)(C) may not be made more than four years after the date of the enactment of this Act.

(4) A waiver under this subsection may be made only on a case-by-case basis.

(c) SELECTION AND SUSPENSION FROM DUTY OF SUBORDINATE OFFICERS.—Subsections (e), (f), and (g) of section 164 of title 10, United States Code (as added by section 211 of this Act), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act, or on such earlier date as may be prescribed by the Secretary of Defense.

(d) BUDGET PROPOSALS.—Section 166 of title 10, United States Code (as added by section 211 of this Act), shall take effect with budget proposals for fiscal year 1989.

TITLE III—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

SEC. 301. ESTABLISHMENT AND MANAGEMENT OF DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

(a) IN GENERAL.—Chapter 8 is amended—

(1) by redesignating section 191 as section 201; and

(2) by striking out the chapter heading and the table of sections at the beginning of such chapter and inserting in lieu thereof the following:

"CHAPTER 8—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

"SUBCHAPTER I—COMMON SUPPLY AND SERVICE ACTIVITIES

"§191. Secretary of Defense: authority to provide for common performance of supply or service activities

"(a) AUTHORITY.—Whenever the Secretary of Defense determines such action would be more effective, economical, or efficient, the Secretary may provide for the performance of a supply or service activity that is common to more than one military department by a single agency of the Department of Defense.

"(b) DESIGNATION OF COMMON SUPPLY OR SERVICE AGENCY.—Any agency of the Department of Defense established under subsection (a) (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986)) for the performance of a supply or service activity referred to in such subsection shall be designated as a Defense Agency or a Department of Defense Field Activity.

"§192. Defense Agencies and Department of Defense Field Activities: oversight by the Secretary of Defense

"(a) OVERALL SUPERVISION.—(1) The Secretary of Defense shall assign responsibility for the overall supervision of each Defense Agency and Department of Defense Field Activity designated under section 191(b) of this title—

"(A) to a civilian officer within the Office of the Secretary of Defense listed in section 131(b) of this title; or

"(B) to the Chairman of the Joint Chiefs of Staff.

"(2) An official assigned such a responsibility with respect to a Defense Agency or Department of Defense Field Activity shall advise the Secretary of Defense on the extent to which the program recommendations and budget proposals of such agency or activity conform with the requirements of the military departments and of the unified and specified combatant commands.

"(3) This subsection does not apply to the Defense Intelligence Agency or the National Security Agency.

"(b) PROGRAM AND BUDGET REVIEW.—The Secretary of Defense shall establish procedures to ensure that there is full and effective review of the program recommendations and budget proposals of each Defense Agency and Department of Defense Field Activity.

"(c) PERIODIC REVIEW.—(1) Periodically (and not less often than every two years), the Secretary of Defense shall review the services and supplies provided by each Defense Agency and Department of Defense Field Activity to ensure that—

"(A) there is a continuing need for each such agency and activity; and

"(B) the provision of those services and supplies by each such agency and activity, rather than by the military departments, is a more effective, economical, or efficient manner of providing those services and supplies or of meeting the requirements for combat readiness of the armed forces.

"(2) Paragraph (1) shall apply to the National Security Agency as determined appropriate by the Secretary, in consultation with the Director of Central Intelligence. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

"§193. Combat support agencies: oversight

"(a) COMBAT READINESS.—(1) Periodically (and not less often than every two years), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the combat support agencies. Each such report shall include—

"(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

"(B) any recommendations that the Chairman considers appropriate.

"(2) In preparing each such report, the Chairman shall review the plans of each such agency with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, with the approval of the Secretary of Defense, take steps to provide for any revision of those plans that the Chairman considers appropriate.

"(b) PARTICIPATION IN JOINT TRAINING EXERCISES.—The Chairman shall—

"(1) provide for the participation of the combat support agencies in joint training exercises to the extent necessary to ensure that those agencies are capable of performing their support missions with respect to a war or threat to national security; and

"(2) assess the performance in joint training exercises of each such agency and, in accordance with guidelines established by the Secretary of Defense, take steps to provide for any change that the Chairman considers appropriate to improve that performance.

"(c) READINESS REPORTING SYSTEM.—The Chairman shall develop, in consultation with the director of each combat support agency, a uniform system for reporting to the Secretary of Defense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each such agency to perform with respect to a war or threat to national security.

"(d) REVIEW OF NATIONAL SECURITY AGENCY.—(1) Subsections (a), (b), and (c) shall apply to the National Security Agency, but only with respect to combat support functions the Agency performs for the Department of Defense.

"(2) The Secretary, after consulting with the Director of Central Intelligence, shall establish policies and procedures with respect to the application of subsections (a), (b), and (c) to the National Security Agency.

"(e) COMBAT SUPPORT CAPABILITIES OF DIA AND NSA.—The Secretary of Defense, in consultation with the Director of Central Intelligence, shall develop and implement, as they may determine to be necessary, policies and programs to correct such deficiencies as the Chairman of the Joint Chiefs of Staff and other officials of the Department of Defense may identify in the capabilities of the Defense Intelligence Agency and the National Security Agency to accomplish assigned missions in support of military combat operations.

"(f) DEFINITION OF COMBAT SUPPORT AGENCY—In this section, the term 'combat support agency' means any of the following Defense Agencies:

"(1) The Defense Communications Agency.

"(2) The Defense Intelligence Agency.

"(3) The Defense Logistics Agency.

"(4) The Defense Mapping Agency.

"(5) Any other Defense Agency designated as a combat support agency by the Secretary of Defense.

"§194. Limitations on personnel

"(a) CAP ON HEADQUARTERS MANAGEMENT PERSONNEL.—After September 30, 1989, the total number of members of the armed forces and civilian employees assigned or detailed to permanent duty in the management headquarters activities or management headquarters support activities in the Defense Agencies and Department of Defense Field Activities may not exceed the number that is the number of such members and employees assigned or detailed to such duty on September 30, 1989.

"(b) CAP ON OTHER PERSONNEL.—After September 30, 1989, the total number of members of the armed forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned to management headquarters activities or management headquarters support activities, may not exceed the number that is the number of such members and employees assigned or detailed to such duty on September 30, 1989.

"(c) PROHIBITION AGAINST CERTAIN ACTIONS TO EXCEED LIMITATIONS.—The limitations in subsections (a) and (b) may not be exceeded by recategorizing or redefining duties, functions, offices, or organizations.

"(d) EXCLUSION OF NSA.—The National Security Agency shall be excluded in computing and maintaining the limitations required by this section.

"(e) WAIVER.—The limitations in this section do not apply—

"(1) in time of war; or

"(2) during a national emergency declared by Congress.

"(f) DEFINITIONS.—In this section, the terms 'management headquarters activities' and 'management headquarters support activities' have the meanings given those terms in Department of Defense Directive 5100.73, entitled 'Department of Defense Management Headquarters and Headquarters Support Activities' and dated January 7, 1985.

"SUBCHAPTER II—MISCELLANEOUS DEFENSE AGENCY MATTERS

"Sec.
"201. Unauthorized use of Defense Intelligence Agency name, initials, or seal.".

(b) CONFORMING AMENDMENTS.—(1) Section 125 is amended by striking out subsection (d).

(2) Subsection (c)(2) of section 113 (as redesignated by section 101(a)) is amended by striking out "section 125" and inserting in lieu thereof "sections 125 and 191".

SEC. 302. DEFINITIONS OF DEFENSE AGENCY AND DEPARTMENT OF DEFENSE FIELD ACTIVITY

Section 101 is amended by adding at the end the following new paragraphs:

"(44) 'Defense Agency' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

"(B) that is designated by the Secretary of Defense as a Defense Agency.

"(45) 'Department of Defense Field Activity' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986)) to perform a supply or service activity common to more than one military department; and

"(B) that is designated by the Secretary of Defense as a Department of Defense Field Activity.".

SEC. 303. REASSESSMENT OF DEFENSE AGENCIES AND DOD FIELD ACTIVITIES

(a) SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall conduct a study of the functions and organizational structure of the Defense Agencies and Department of Defense Field Activities. The study shall determine the most effective, economical, or efficient means of providing supply or service activities common to more than one military department, after considering the matters set forth in subsection (d) and the reports submitted under subsection (b).

(2) To the extent that the most effective, economical, or efficient means of providing those activities is determined under paragraph (1) to be the existing Defense Agency and Department of Defense Field Activity structure, the study shall analyze methods to improve the performance and responsiveness of Defense Agencies and Department of Defense Field Activities with respect to the entities to which they provide supplies and services, particularly with regard to the unified and specified combatant commands.

(b) SERVICE SECRETARIES AND CHAIRMAN OF THE JCS.—The Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff shall each conduct a study of the functions and organizational structure of the Defense Agencies and Department of Defense Field Activities. The Secretaries and Chairman shall each submit a report to the Secretary of Defense on such study at a time specified by the Secretary. Each such report shall include a discussion of and recommendations concerning each matter set forth in subsection (d).

(c) NATIONAL SECURITY AGENCY.—This section shall apply to the National Security Agency as determined appropriate by the Secretary of Defense, in consultation with the Director of Central Intelligence. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

(d) MATTERS CONSIDERED.—The studies required by subsections (a) and (b) shall consider the following matters:

(1) Whether the existing allocation of functions to, and organizational structure of, the Defense Agencies and Department of Defense Field Activities meet the statutory requirement of providing a supply or service activity common to more than one military department in a more effective, economical, or efficient manner.

(2) Alternative allocations of authority and functions assigned to the Defense Agencies and Department of Defense Field Activities, including—

(A) various possible redistributions of responsibilities among those agencies and activities;

(B) transfer of the responsibility for those functions to—

(i) the Secretaries of the military departments;

(ii) the appropriate officers in the Office of the Secretary of Defense;

(iii) the Chairman of the Joint Chiefs of Staff; or

(iv) the commanders of unified or specified combatant commands;

(C) creation of new Defense Agencies or Department of Defense Field Activities;

(D) consolidation of two or more such agencies and activities;

(E) elimination of any such agency or activity; and

(F) other organizational changes in the Department of Defense designed to make the performance of those functions more effective, economical, or efficient.

(3) Whether the requirements of the amendments made by section 301 will have the effect of ensuring the readiness and responsiveness of the Defense Agencies in the event of a war or threat to national security and whether any additional legislation is necessary to ensure such readiness and responsiveness.

(4) Additional legislative or administrative actions that the Secretary considers necessary to ensure effective oversight of Defense Agency and Department of Defense Field Activity resource management, personnel policies, and budget procedures and to clarify supervisory responsibilities.

(5) Whether the findings and recommendations of the report of March 1979 entitled "Report to the Secretary of Defense of the Defense Agency Review" and directed by Major General Theodore Antonelli, United States Army (Retired), should be the basis for additional legislative or administrative actions.

(e) REPORT.—The Secretary of Defense shall submit to Congress a report that includes the following:

(1) A report on the study required by subsection (a) that includes—

(A) a discussion of and recommendations concerning each matter set forth in subsection (d); and

(B) a discussion of the reports required by subsection (b).

(2) A copy of each report required by subsection (b).

(3) A study of the improved application of computer systems to functions of Defense Agencies and Department of Defense Field Activities, including a plan for the rapid replacement, where necessary, of existing automated data processing equipment with new equipment.

(4) Plans to achieve reductions in the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities (other than the National Security Agency) by 5 percent, 10 percent, and 15 percent of the total number of such members and employees projected to be assigned or detailed to such duty on September 30, 1988, together with a discussion of the implications of each such reduction and a draft of any legislation that would be required to implement each such plan.

(f) DEADLINE FOR SUBMISSION.—The report required by subsection (e) shall be submitted not later than one year after the date of the enactment of this Act.

SEC. 304. TRANSITION

(a) SECRETARY OF DEFENSE REVIEW OF DEFENSE AGENCIES.—The first review under section 192(c) of title 10, United States Code (as added by section 301(a)), shall be completed not later than two years after the date that the report under section 303(e) is required to be submitted to Congress.

(b) REPORT AND OTHER ACTIONS BY CHAIRMAN OF JCS.—The first report under subsection (a) of section 193 of such title (as added

by section 301(a)) shall be submitted, and subsections (b) and (c) of such section shall be implemented, not later than one year after the date of the enactment of this Act. The Secretary of Defense shall provide a report on the implementation of such subsections (b) and (c) in the report of the Secretary submitted to Congress for 1988 under section 113(c) of title 10, United States Code (as redesignated by section 101(a)).

TITLE IV—JOINT OFFICER PERSONNEL POLICY

SEC. 401. JOINT OFFICER MANAGEMENT

(a) ESTABLISHMENT OF JOINT OFFICER MANAGEMENT POLICIES.—Part II of subtitle A is amended by inserting after chapter 37 the following new chapter:

"CHAPTER 38—JOINT OFFICER MANAGEMENT

"§ 661. Management policies for joint specialty officers

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish policies, procedures, and practices for the effective management of officers of the Army, Navy, Air Force, and Marine Corps on the active-duty list who are particularly trained in, and oriented toward, joint matters (as defined in section 668 of this title). Such officers shall be identified or designated (in addition to their principal military occupational specialty) in such manner as the Secretary of Defense directs. For purposes of this chapter, officers to be managed by such policies, procedures, and practices are referred to as having, or having been nominated for, the 'joint specialty'.

"(b) NUMBERS AND SELECTION.—(1) The number of officers with the joint specialty shall be determined by the Secretary. Such number shall be large enough to meet the requirements of subsection (d).

"(2) Officers shall be selected for the joint specialty by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. The Secretaries of the military departments shall nominate officers for selection for the joint specialty. Nominations shall be made from among officers—

"(A) who meet qualifications prescribed by the Secretary of Defense; and

"(B) who—

"(i) are senior captains or, in the case of the Navy, senior lieutenants; or

"(ii) are serving in the grade of major or lieutenant commander or a higher grade.

"(c) EDUCATION AND EXPERIENCE REQUIREMENTS.—(1) An officer who is nominated for the joint specialty may not be selected for the joint specialty until the officer—

"(A) successfully completes an appropriate program at a joint professional military education school; and

"(B) after completing such program of education, successfully completes a full tour of duty in a joint duty assignment.

"(2) An officer who has a critical occupational specialty involving combat operations (as designated by the Secretary of Defense) and who is nominated for the joint specialty may be selected for the joint specialty after successful completion of a joint duty assignment of not less than two years and successful completion of a program under paragraph (1)(A). An officer selected for the joint specialty under this paragraph shall be required to complete the generally applicable requirements for selection under paragraph (1)(B) as soon as practicable after such officer's selection.

"(d) NUMBER OF JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above captain or, in the case of the Navy, lieutenant are filled at any time by officers who have (or have been nominated for) the joint specialty.

"(2) The Secretary of Defense shall designate not fewer than 1,000 joint duty assignment positions as critical joint duty assignment positions. Each such position shall be held only by an officer with the joint specialty.

"(e) CAREER GUIDELINES.—The Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish career guidelines for officers with the joint specialty. Such guidelines shall include guidelines for—

"(1) selection;

"(2) military education;

"(3) training;

"(4) types of duty assignments; and

"(5) such other matters as the Secretary considers appropriate.

"§ 662. Promotion policy objectives for joint officers

"(a) QUALIFICATIONS.—The Secretary of Defense shall ensure that the qualifications of officers assigned to joint duty assignments are such that—

"(1) officers who are serving on, or have served on, the Joint Staff are expected, as a group, to be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force;

"(2) officers who have the joint specialty are expected, as a group, to be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force; and

"(3) officers who are serving in, or have served in, joint duty assignments (other than officers covered in paragraphs (1) and (2)) are expected, as a group, to be promoted at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.

"(b) REPORT.—The Secretary of Defense shall periodically (and not less often than every six months) report to Congress on the promotion rates of officers who are serving in, or have served in, joint duty assignments, especially with respect to the record of officer selection boards in meeting the objectives of clauses (1), (2), and (3) of subsection (a). If such promotion rates fail to meet such objectives, the Secretary shall immediately notify Congress of such failure and of what action the Secretary has taken or plans to take to prevent further failures.

"§ 663. Education

"(a) CAPSTONE COURSE FOR NEW GENERAL AND FLAG OFFICERS.—(1) Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a military education course designed specifically to prepare new general and flag officers to work with the other armed forces.

"(2) Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

"(A) in the case of an officer whose immediately previous assignment was in a joint duty assignment and who is thoroughly familiar with joint matters;

"(B) when necessary for the good of the service;

"(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as determined under regulations prescribed under section 619(e)(4) of this title); and

"(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, or chaplain.

"(3) The authority of the Secretary of Defense to grant a waiver under paragraph (2) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.

"(b) JOINT MILITARY EDUCATION SCHOOLS.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall periodically review and revise the curriculum of each school of the National Defense University (and of any other joint professional military education school) to enhance the education and training of officers in joint matters. The Secretary shall require such schools to maintain rigorous standards for the military education of officers with the joint specialty.

"(c) OTHER PROFESSIONAL MILITARY EDUCATION SCHOOLS.—The Secretary of Defense shall require that each Department of Defense school concerned with professional military education periodically review and revise its curriculum for senior and intermediate grade officers in order to strengthen the focus on—

"(1) joint matters; and

"(2) preparing officers for joint duty assignments.

"(d) POST-EDUCATION DUTY ASSIGNMENTS.—The Secretary of Defense shall ensure that—

"(1) unless waived by the Secretary in an individual case, each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer's next duty assignment; and

"(2) a high proportion (which shall be greater than 50 percent) of the other officers graduating from a joint professional military education school also receive assignments to a joint duty assignment as their next duty assignment.

"§ 664. Length of joint duty assignments

"(a) GENERAL RULE.—The length of a joint duty assignment—

"(1) for general and flag officers shall be not less than three years; and

"(2) for other officers shall be not less than three and one half years.

"(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) in the case of any officer, but the Secretary shall ensure that the average length of joint duty assignments meets the standards prescribed in that subsection.

"(c) CERTAIN OFFICERS WITH CRITICAL COMBAT OPERATIONS SKILLS.—Joint duty assignments of less than the period prescribed by subsection (a), but not less than two

years, may be authorized for the purposes of section 661(c)(2) of this title. Such an assignment may not be counted for the purposes of determining the average length of joint duty assignments under subsection (b).

"(d) EXCEPTION.—(1) Subsection (a) does not apply in the case of an officer who fails to complete a joint duty assignment as the result of—

"(A) retirement;

"(B) separation from active duty; or

"(C) suspension from duty under section 155(f)(2) or 164(g) of this title.

"(2) In computing the average length of joint duty assignments for purposes of this section, the Secretary of Defense shall exclude joint duty assignments not completed because of a reason specified in paragraph (1).

"§ 665. Procedures for monitoring careers of joint officers

"(a) PROCEDURES.—(1) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish procedures for overseeing the careers of—

"(A) officers with the joint specialty; and

"(B) other officers who serve in joint duty assignments.

"(2) Such oversight shall include monitoring of the implementation of the career guidelines established under section 661(e) of this title.

"(b) FUNCTION OF JOINT STAFF.—The Secretary shall take such action as necessary to enhance the capabilities of the Joint Staff so that it can—

"(1) monitor the promotions and career assignments of officers with the joint specialty and of other officers who have served in joint duty assignments; and

"(2) otherwise advise the Chairman on joint personnel matters.

"§ 666. Reserve officers not on the active-duty list

"The Secretary of Defense shall establish personnel policies emphasizing education and experience in joint matters for reserve officers not on the active-duty list. Such policies shall, to the extent practicable for the reserve components, be similar to the policies provided by this chapter.

"§ 667. Annual report to Congress

"The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps):

"(1) The number of officers selected for the joint specialty and their education and experience.

"(2) The promotion rate for officers considered for promotion from within the promotion zone who are serving on the Joint Staff compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the armed force and for officers serving on the headquarters staff of the armed force concerned.

"(3) The promotion rate for officers with the joint specialty, compared in the same manner as specified in paragraph (2).

"(4) The promotion rate for other officers who are serving in joint duty assignments, compared in the same manner as specified in paragraph (2).

"(5) The promotion rate for officers considered for promotion from below the promotion zone, shown for officers serving on the Joint Staff, officers with the joint specialty, and other officers serving in joint duty assignments, compared in the same manner as specified in paragraph (2).

"(6) An analysis of assignments of officers after selection for the joint specialty.

"(7) The average length of tours of duty in joint duty assignments—

"(A) for general and flag officers, shown separately for assignments to the Joint Staff and other joint duty assignments; and

"(B) for other officers, shown separately for assignments to the Joint Staff and other joint duty assignments.

"(8) In any case in which the information under paragraphs (2) through (5) shows a significant imbalance between officers serving in joint duty assignments or having the joint specialty and other officers, a description of what action has been taken (or is planned to be taken) by the Secretary to correct the imbalance.

"(9) An analysis of the extent to which the Secretary of each military department is providing officers to fill that department's share (as determined by law or by the Secretary of Defense) of Joint Staff and other joint duty assignments, including the reason for any significant failure by a military department to fill its share of such positions and a discussion of the actions being taken to correct the shortfall.

"(10) Such other information and comparative data as the Secretary of Defense considers appropriate to demonstrate the performance of the Department of Defense and the performance of each military department in carrying out this chapter.

"§ 668. Definitions

"(a) JOINT MATTERS.—In this chapter, the term 'joint matters' means matters relating to the integrated employment of land, sea, and air forces, including matters relating to—

"(1) national military strategy;

"(2) strategic planning and contingency planning; and

"(3) command and control of combat operations under unified command.

"(b) JOINT DUTY ASSIGNMENT.—(1) The Secretary of Defense shall by regulation define the term 'joint duty assignment' for the purposes of this chapter. That definition shall be limited to assignments in which the officer gains significant experience in joint matters and shall exclude—

"(A) assignments for joint training or joint education; and

"(B) assignments within an officer's own military department.

"(2) The Secretary shall publish a list showing—

"(A) the positions that are joint duty assignment positions under such regulation and the number of such positions; and

"(B) of the positions listed under subparagraph (A), those that are critical joint duty assignment positions and the number of such positions.".

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are amended by inserting after the item relating to chapter 37 the following new item:

"38. Joint Officer Management.....661".

SEC. 402. PROMOTION PROCEDURES FOR JOINT OFFICERS

(a) COMPOSITION OF SELECTION BOARDS.—Section 612 is amended by adding at the end the following new subsection:

"(c) Each selection board convened under section 611(a) of this title that will consider officers who are serving in, or have served in, joint duty assignments shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is currently serving in a joint duty assignment. The Secretary of Defense may waive the preceding sentence in the case of any selection board of the Marine Corps.".

(b) GUIDANCE TO SELECTION BOARDS.—Section 615 is amended—

(1) by inserting "(a)" before "The Secretary of the";

(2) by striking out "and" at the end of clause (4)";

(3) by redesignating clause (5) as clause (6);

(4) by inserting after clause (4) the following new clause (5):

"(5) guidelines, based upon guidelines received by the Secretary from the Secretary of Defense under subsection (b), for the purpose of ensuring that the board gives appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments; and"; and

(5) by adding at the end the following new subsection:

"(b) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall furnish to the Secretaries of the military departments guidelines for the purpose of ensuring that each selection board convened under section 611(a) of this title gives appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments.".

(c) REVIEW OF PROMOTION LISTS BY CHAIRMAN OF JCS.—Section 618 is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) After completing the requirements of subsection (a), the Secretary concerned, in the case of the report of a selection board that considered officers who are serving, or have served, in joint duty assignments, shall submit the report to the Chairman of the Joint Chiefs of Staff.

"(2) The Chairman, in accordance with guidelines furnished to the Chairman by the Secretary of Defense, shall review the report for the purpose of determining if—

"(A) the selection board acted consistent with the guidelines of the Secretary of Defense under section 615(b) of this title to ensure that selection boards give appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments; and

"(B) the selection board otherwise gave appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments.

"(3) After reviewing the report, the Chairman shall return the report, with his determinations and comments, to the Secretary concerned.

"(4) If the Chairman determines that the board acted contrary to the guidelines of the Secretary of Defense under section 615(b) of this title or otherwise failed to give appropriate consideration to the performance of officers in joint duty assignments, the Secretary concerned may—

"(A) return the report, together with the Chairman's determinations and comments, to the selection board (or a subsequent selection board convened under section 611(a) of this title for the same grade and competitive category) for further proceedings in accordance with subsection (a);

"(B) convene a special selection board in the manner provided for under section 628 of this title; or

"(C) take other appropriate action to satisfy the concerns of the Chairman.

"(5) If, after completion of all actions taken under paragraph (4), the Secretary concerned and the Chairman remain in disagreement with respect to the report of a selection board, the Secretary concerned shall indicate such disagreement, and the reasons for such disagreement, as part of his transmittal of the report of the selection board to the Secretary of Defense under subsection (c). Such transmittal shall include any comments submitted by the Chairman."; and

(3) by adding at the end of paragraph (1) of subsection (c) (as redesignated by paragraph (1)) the following new sentence: "The Secretary of Defense shall, before transmitting the report of a selection board to the President, take appropriate action to resolve any disagreement between the Secretary concerned and the Chairman transmitted to him under subsection (b)(5).".

SEC. 403. CONSIDERATION OF JOINT DUTY IN SENIOR GENERAL AND FLAG OFFICER APPOINTMENTS AND ADVICE ON QUALIFICATIONS

Section 601 is amended by adding at the end the following new subsection:

"(d)(1) When an officer is recommended to the President for an initial appointment to the grade of lieutenant general or vice admiral, or for an initial appointment to the grade of general or admiral, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman's evaluation of the performance of that officer as a member of the Joint Staff and in other joint duty assignments. The Secretary of Defense shall submit the Chairman's evaluation to the President at the same time the recommendation for the appointment is submitted to the President.

"(2) Whenever a vacancy occurs in a position within the Department of Defense that the President has designated as a position of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral or in an office that is designated by law to carry such a grade, the Secretary of Defense shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.".

SEC. 404. JOINT DUTY ASSIGNMENT AS PREREQUISITE FOR PROMOTION TO GENERAL OR FLAG OFFICER GRADE

Section 619 is amended by adding at the end the following new subsection:

"(e)(1) An officer may not be selected for promotion to the grade of brigadier general or rear admiral (lower half) unless the officer has served in a joint duty assignment.

"(2) Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

"(A) when necessary for the good of the service;

"(B) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist;

"(C) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, chaplain, or judge advocate; and

"(D) until January 1, 1992, in the case of an officer who served before the date of the enactment of this subsection in an assignment (other than a joint duty assignment) that involved significant experience in joint matters (as determined by the Secretary).

"(3)(A) A waiver may be granted under paragraph (2) only on a case-by-case basis in the case of an individual officer.

"(B) In the case of a waiver under paragraph (2)(A), the Secretary shall provide that the first duty assignment as a general or flag officer of an officer for whom the waiver is granted shall be in a joint duty assignment.

"(C) The authority of the Secretary of Defense to grant a waiver under paragraph (2)(B), (2)(C), or (2)(D) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense.

"(4) The Secretary of Defense shall prescribe regulations to carry out this subsection. Such regulations shall specifically identify those categories of officers for which selection for promotion to brigadier general or, in the case of the Navy, rear admiral (lower half) is based primarily upon scientific and technical qualifications for which joint requirements do not exist.".

SEC. 405. ANNUAL REPORT ON IMPLEMENTATION

The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of title 10, United States Code (as redesignated by section 101(a)), for each year from 1987 through 1991 a detailed report on the implementation of this title and the amendments made by this title.

SEC. 406. TRANSITION

(a) JOINT DUTY ASSIGNMENTS.—(1) Section 661(d) of title 10, United States Code (as added by section 401), shall be implemented as rapidly as possible and not later than two years after the date of the enactment of this Act.

(2) The list of positions that are joint duty assignment positions, including identification of those positions that are critical joint duty assignment positions, required to be published by section 668(b)(2) of such title shall be published not later than six months after the date of the enactment of this Act.

(b) JOINT SPECIALTY.—

(1) INITIAL SELECTIONS.—(A) In making the initial selections of officers for the joint specialty under section 661 of title 10, United States Code (as added by section 401 of this Act), the Secretary of Defense may waive the requirement of either subparagraph (A) or (B) (but not both) of subsection (c)(1) of such section in the case of any officer in a grade above captain or, in the case of the Navy, lieutenant.

(B) In applying such subparagraph (B) to the initial selections of officers for the joint specialty, the Secretary may in the case of any officer—

(i) waive the requirement that a joint duty assignment be served after the officer has completed an appropriate program at a joint professional military education school;

(ii) waive the requirement for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(iii) consider as a joint duty assignment any tour of duty served by the officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under the regulations in effect at the time the assignment began.

(C) A waiver under subparagraph (A) of this paragraph or under any provision of subparagraph (B) of this paragraph may only be made on a case-by-case basis.

(D) The authority of the Secretary of Defense to grant a waiver under subparagraph (A) or (B) of this paragraph may be delegated only to the Deputy Secretary of Defense.

(2) REQUIREMENT FOR HIGH STANDARDS.—In exercising the authority provided by paragraph (1), the Secretary of Defense shall ensure that the highest standards of performance, education, and experience are established and maintained for officers selected for the joint specialty.

(3) SUNSET.—The authority provided by paragraph (1) shall expire two years after the date of the enactment of this Act.

(c) CAREER GUIDELINES.—The career guidelines required to be established by section 661(e) of such title, the procedures required to be established by section 665(a) of such title, and the personnel policies required to be established by section 666 of such title (as added by section 401) shall be established not later than the end of the eight-month period beginning on the date of the enactment of this Act. The provisions of section 665(b) of such title shall be implemented not later than the end of such period.

(d) EDUCATION.—

(1) CAPSTONE COURSE.—Subsection (a) of section 663 of such title (as added by section 401) shall apply with respect to officers selected in reports of officer selection boards submitted to the Secretary concerned after the end of the 120-day period beginning on the date of the enactment of this Act.

(2) REVIEW OF MILITARY EDUCATION SCHOOLS.—(A) The first review under subsections (b) and (c) of such section shall be completed not later than 120 days after the date of the enactment of this Act. The Secretary of Defense shall submit to Congress a report on the results of the review at each Department of Defense school not later than 60 days thereafter.

(B) Such subsections shall be implemented so that the revised curricula take effect with respect to courses beginning after July 1987.

(3) POST-EDUCATION DUTY ASSIGNMENTS.—Subsection (d) of such section shall take effect with respect to classes graduating from joint professional military education schools after January 1987.

(e) LENGTH OF JOINT DUTY ASSIGNMENTS.—Subsection (a) of section 664 of title 10, United States Code (as added by section 401), shall apply to officers assigned to joint duty assignments after the end of the 90-day period beginning on the date of the enactment of this Act. In computing an average under subsection (b) of such section, only joint duty assignments to which such subsection applies shall be considered.

(f) PROMOTION POLICY.—The amendments made by section 402 shall take effect with respect to selection boards convened under section 611(a) of title 10, United States Code, after the end of the 120-day period beginning on the date of the enactment of this Act.

(g) INITIAL REPORT.—The first report submitted by the Secretary of Defense after the date of the enactment of this Act under section 113(c) of title 10, United States Code (as redesignated by section 101), shall contain as much of the information required by section 667 of such title (as added by section 401) as is available to the Secretary at the time of the preparation of the report.

TITLE V—MILITARY DEPARTMENTS

PART A—DEPARTMENT OF THE ARMY

SEC. 501. THE ARMY SECRETARIAT

(a) AMENDMENTS TO CHAPTER 303.—(1) Section 3015 is transferred to the end of chapter 305 and redesignated as section 3040.

(2) Sections 3010, 3011, 3012, 3013, and 3014 are redesignated as sections 3011, 3012, 3013, 3014, and 3015, respectively.

(3) Section 3016 is transferred within chapter 303 to appear after section 3017 and is redesignated as section 3018.

(4) Section 3019 is transferred to chapter 305, inserted after section 3037, and redesignated as section 3038.

(5) Chapter 303 is amended by striking out sections 3013, 3014, and 3015 (as redesignated by paragraph (2)) and inserting in lieu thereof the following:

"§3013. Secretary of the Army

"(a)(1) There is a Secretary of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Army.

"(2) A person may not be appointed as Secretary of the Army within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Army is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Army, including the following functions:

"(1) Recruiting.
"(2) Organizing.
"(3) Supplying.
"(4) Equipping (including research and development).
"(5) Training.
"(6) Servicing.
"(7) Mobilizing.
"(8) Demobilizing.
"(9) Administering (including the morale and welfare of personnel).
"(10) Maintaining.
"(11) The construction, outfitting, and repair of military equipment.
"(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

"(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Army is also responsible to the Secretary of Defense for—

"(1) the functioning and efficiency of the Department of the Army;

"(2) the formulation of policies and programs by the Department of the Army that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

"(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Army;

"(4) carrying out the functions of the Department of the Army so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

"(5) effective cooperation and coordination between the Department of the Army and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

"(6) the presentation and justification of the positions of the Department of the Army on the plans, programs, and policies of the Department of Defense; and

"(7) the effective supervision and control of the intelligence activities of the Department of the Army.

"(d) The Secretary of the Army is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

"(e) After first informing the Secretary of Defense, the Secretary of the Army may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(f) The Secretary of the Army may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Army and to the Assistant Secretaries of the Army. Officers of the Army shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

"(g) The Secretary of the Army may—

"(1) assign, detail, and prescribe the duties of members of the Army and civilian personnel of the Department of the Army;

"(2) change the title of any officer or activity of the Department of the Army not prescribed by law; and

"(3) prescribe regulations to carry out his functions, powers, and duties under this title.

"§3014. Office of the Secretary of the Army

"(a) There is in the Department of the Army an Office of the Secretary of the Army. The function of the Office is to assist the Secretary of the Army in carrying out his responsibilities.

"(b) The Office of the Secretary of the Army is composed of the following:

"(1) The Under Secretary of the Army.
"(2) The Assistant Secretaries of the Army.
"(3) The Administrative Assistant to the Secretary of the Army.
"(4) The General Counsel of the Department of the Army.
"(5) The Inspector General of the Army.
"(6) The Army Reserve Forces Policy Committee.
"(7) Such other offices and officials as may be established by law or as the Secretary of the Army may establish or designate.

"(c)(1) The Office of the Secretary of the Army shall have sole responsibility within the Office of the Secretary and the Army Staff for the following functions:

"(A) Acquisition.
"(B) Auditing.
"(C) Comptroller (including financial management).
"(D) Information management.
"(E) Inspector General.
"(F) Legislative affairs.
"(G) Public affairs.

"(2) The Secretary of the Army shall establish or designate a single office or other entity within the Office of the Secretary of the Army to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Army Staff to conduct any of the functions specified in paragraph (1).

"(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff and to the Army Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

"(4) The vesting in the Office of the Secretary of the Army of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Army (including the Army Staff) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Army.

"(d)(1) Subject to paragraph (2), the Office of the Secretary of the Army shall have sole responsibility within the Office of the Secretary and the Army Staff for the function of research and development.

"(2) The Secretary of the Army may assign to the Army Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

"(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Army to conduct the function specified in paragraph (1).

"(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Army and to the Army Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

"(e) The Secretary of the Army shall ensure that the Office of the Secretary of the Army and the Army Staff do not duplicate specific functions for which the Secretary has assigned responsibility to the other.

"(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Army assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff may not exceed 3,105.

"(2) Not more than 1,865 officers of the Army on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff.

"(3) The total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff may not exceed the number equal to 85 percent of the number of general officers assigned or detailed to such duty on the date of the enactment of this subsection.

"(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Army or on the Army Staff.

"(5) The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.

"§ 3015. Under Secretary of the Army

"(a) There is an Under Secretary of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

"§ 3016. Assistant Secretaries of the Army

"(a) There are five Assistant Secretaries of the Army. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

"(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Army.

"(3) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Civil Works. He shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources, including flood control, navigation, shore protection, and related purposes.".

(6) Section 3017 is amended—

(A) by striking out "(a)" at the beginning of the text of such section;

(B) by striking out clause (2) and inserting in lieu thereof the following:

"(2) The Assistant Secretaries of the Army, in the order prescribed by the Secretary of the Army and approved by the Secretary of Defense."; and

(C) by striking out subsection (b).

(7) Chapter 303 is further amended by adding at the end the following new sections:

"§ 3019. General Counsel

"(a) There is a General Counsel of the Department of the Army, appointed from civilian life by the President.

"(b) The General Counsel shall perform such functions as the Secretary of the Army may prescribe.

"§ 3020. Inspector General

"(a) There is an Inspector General of the Army who shall be detailed to such position by the Secretary of the Army from the general officers of the Army. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest.

"(b) When directed by the Secretary or the Chief of Staff, the Inspector General shall—

"(1) inquire into and report upon the discipline, efficiency, and economy of the Army; and

"(2) perform any other duties prescribed by the Secretary or the Chief of Staff.

"(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Army and shall recommend additional inspections and investigations as may appear appropriate.

"(d) The Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Army.

"(e) The Inspector General shall have such deputies and assistants as the Secretary of the Army may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Army for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.".

(8) Section 3033 is transferred to the end of chapter 303 (as amended by paragraph (7)), redesignated as section 3021, and amended—

(A) in subsection (a)—

(i) by striking out "office" and inserting in lieu thereof "Office";

(ii) by striking out "Committee which" and inserting in lieu thereof "Committee. The Committee";

(iii) by inserting "and the mobilization preparedness" after "reserve components";

(iv) by striking out "Army, and the" and inserting in lieu thereof "Army. The"; and

(v) by striking out "Chief of Staff and the Assistant Secretary responsible for reserve affairs" and inserting in lieu thereof "Secretary of the Army and the Chief of Staff";

(B) in subsection (h), by striking out "General" each place it appears; and

(C) by striking out the section heading and inserting in lieu thereof the following:

"§ 3021. Army Reserve Forces Policy Committee".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 is amended to read as follows:

"Sec.
"3011. Organization.
"3012. Department of the Army: seal.
"3013. Secretary of the Army.
"3014. Office of the Secretary of the Army.
"3015. Under Secretary of the Army.
"3016. Assistant Secretaries of the Army.
"3017. Secretary of the Army: successors to duties.
"3018. Administrative Assistant.
"3019. General Counsel.
"3020. Inspector General.
"3021. Army Reserve Forces Policy Committee.".

SEC. 502. THE ARMY STAFF

(a) COMPOSITION OF THE ARMY STAFF.—Section 3031 is amended to read as follows:

"§ 3031. The Army Staff: function; composition

"(a) There is in the executive part of the Department of the Army an Army Staff. The function of the Army Staff is to assist the Secretary of the Army in carrying out his responsibilities.

"(b) The Army Staff is composed of the following:

"(1) The Chief of Staff.
"(2) The Vice Chief of Staff.
"(3) The Deputy Chiefs of Staff.
"(4) The Assistant Chiefs of Staff.
"(5) The Chief of Engineers.
"(6) The Surgeon General of the Army.
"(7) The Judge Advocate General of the Army.
"(8) The Chief of Chaplains of the Army.
"(9) The Chief of Army Reserve.
"(10) Other members of the Army assigned or detailed to the Army Staff.
"(11) Civilian employees of the Department of the Army assigned or detailed to the Army Staff.

"(c) Except as otherwise specifically prescribed by law, the Army Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.".

(b) GENERAL DUTIES.—(1) Subsection (a) of section 3032 is amended by inserting "and to the Chief of Staff of the Army" before the period.

(2) Subsection (b) of such section is amended—

(A) by striking out "direction and control of the Secretary" in the matter preceding clause (1) and inserting in lieu thereof "authority, direction, and control of the Secretary of the Army";

(B) by inserting "subject to subsections (c) and (d) of section 3014 of this title," before "prepare" in clause (1);

(C) by striking out ", training, serving, mobilizing, and demobilizing" in clause (1) and inserting in lieu thereof "(including those aspects of research and development assigned by the Secretary of the Army), training, servicing, mobilizing, demobilizing, administering, and maintaining";

(D) by striking out "for military operations" in clause (2) and inserting in lieu thereof "to support military operations by combatant commands"; and

(E) by striking out clause (4) and inserting in lieu thereof the following:

"(4) as directed by the Secretary or the Chief of Staff, coordinate the action of organizations of the Army; and".

(3) The heading of such section is amended to read as follows:

"§ 3032. The Army Staff: general duties".

(c) CHIEF OF STAFF.—Section 3034 is redesignated as section 3033 and is amended to read as follows:

"§ 3033. Chief of Staff

"(a)(1) There is a Chief of Staff of the Army, appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Army. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

"(2) The President may appoint an officer as Chief of Staff only if—

"(A) the officer has had significant experience in joint duty assignments; and

"(B) such experience includes at least one joint duty assignment as a general officer.

"(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

"(b) The Chief of Staff, while so serving, has the grade of general without vacating his permanent grade.

"(c) Except as otherwise prescribed by law and subject to section 3013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Army and is directly responsible to the Secretary.

"(d) Subject to the authority, direction, and control of the Secretary of the Army, the Chief of Staff shall—

"(1) preside over the Army Staff;

"(2) transmit the plans and recommendations of the Army Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Army Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Army as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

"(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Army.

"(e)(1) The Chief of Staff shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

"(2) To the extent that such action does not impair the independence of the Chief of Staff in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Staff shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Army.

"(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Staff shall keep the Secretary of the Army fully informed of significant military

operations affecting the duties and responsibilities of the Secretary.".

(d) VICE CHIEF OF STAFF.—Section 3035 is redesignated as section 3034 and is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) There is a Vice Chief of Staff of the Army, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Army.

"(b) The Vice Chief of Staff of the Army, while so serving, has the grade of general without vacating his permanent grade.";

(2) by adding at the end the following new subsection:

"(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

"(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Army in the Army Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first."; and

(3) by striking out the section heading and inserting in lieu thereof the following:

"§ 3034. Vice Chief of Staff".

(e) DEPUTY CHIEFS OF STAFF.—Chapter 305 is further amended by inserting after section 3034 (as redesignated by subsection (d) of this section) the following new section:

"§ 3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff

"(a) The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

"(b) The number of Deputy Chiefs of Staff and Assistant Chiefs of Staff shall be prescribed by the Secretary, except that—

"(1) there may not be more than five Deputy Chiefs of Staff; and

"(2) there may not be more than three Assistant Chiefs of Staff.".

(f) REPEAL OF SECTION FOR PROVOST MARSHAL GENERAL.—(1) Section 3039 is repealed.

(2) Section 3040 (relating to Deputy and Assistant Chiefs of Branches) is redesignated as section 3039 and is amended by striking out "sections 3036 and 3039" in subsection (a) and inserting in lieu thereof "section 3036".

(3) Section 3081(a) is amended by striking out "section 3040" and inserting in lieu thereof "section 3039".

(g) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Section 3038 (as redesignated by section 501(a)(4) of this Act) is amended by striking out "services" in subsection (c) and inserting in lieu thereof "service".

(2) The table of sections at the beginning of chapter 305 is amended to read as follows:

"Sec.
"3031. The Army Staff: function; composition.
"3032. The Army Staff: general duties.
"3033. Chief of Staff.
"3034. Vice Chief of Staff.
"3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff.
"3036. Chiefs of branches: appointment; duties.
"3037. Judge Advocate General, Assistant Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; duties.
"3038. Office of Army Reserve: appointment of Chief.
"3039. Deputy and assistant chiefs of branches.
"3040. Chief of National Guard Bureau: appointment; acting chief.".

SEC. 503. AUTHORITY TO ORGANIZE ARMY INTO COMMANDS, FORCES, AND ORGANIZATIONS

Section 3074(a) is amended by inserting "or by the Secretary of Defense" after "by law".

PART B—DEPARTMENT OF THE NAVY

SEC. 511. THE NAVY SECRETARIAT

(a) REPEAL OF SUPERSEDED CHAPTER.—Chapter 507 is repealed.

(b) TRANSFER OF SECTIONS PROVIDING FOR COMPOSITION OF THE DEPARTMENT OF THE NAVY.—(1) Part I of subtitle C is amended by inserting after chapter 505 the following new chapter 507:

"CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY

"Sec.
"5061. Department of the Navy: composition.
"5062. United States Navy: composition; functions.
"5063. United States Marine Corps: composition; functions.

"§ 5061. Department of the Navy: composition

"The Department of the Navy is composed of the following:

"(1) The Office of the Secretary of the Navy.

"(2) The Office of the Chief of Naval Operations.

"(3) The Headquarters, Marine Corps.

"(4) The entire operating forces, including naval aviation, of the Navy and of the Marine Corps, and the reserve components of those operating forces.

"(5) All field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy.

"(6) The Coast Guard when it is operating as a service in the Navy.".

(2) Section 5011 is amended by striking out the third and fourth sentences.

(3) Sections 5012 and 5013 are transferred to the end of chapter 507 (as added by paragraph (1)) and redesignated as sections 5062 and 5063, respectively.

(4) Section 5062 (as so transferred and redesignated) is amended)—

(A) by striking out "assigned and is" in subsection (a) and all that follows in that subsection and inserting in lieu thereof " assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war."; and

(B) by striking out subsection (d).

(c) REVISION OF NAVY SECRETARIAT SECTIONS.—Chapter 503 (as amended by subsection (b)) is further amended as follows:

(1) The heading of section 5011 is amended to read as follows:

"§ 5011. Organization".

(2) Such chapter is amended by adding after section 5011 the following new sections:

"§ 5012. Department of the Navy: seal

"The Secretary of the Navy shall have a seal for the Department of the Navy. The design of the seal must be approved by the President. Judicial notice shall be taken of the seal.

"§ 5013. Secretary of the Navy

"(a)(1) There is a Secretary of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Navy.

"(2) A person may not be appointed as Secretary of the Navy within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Navy is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Navy, including the following functions:

"(1) Recruiting.
"(2) Organizing.
"(3) Supplying.
"(4) Equipping (including research and development).
"(5) Training.
"(6) Servicing.
"(7) Mobilizing.
"(8) Demobilizing.
"(9) Administering (including the morale and welfare of personnel).
"(10) Maintaining.
"(11) The construction, outfitting, and repair of military equipment.
"(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

"(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Navy is also responsible to the Secretary of Defense for—

"(1) the functioning and efficiency of the Department of the Navy;

"(2) the formulation of policies and programs by the Department of the Navy that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

"(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Navy;

"(4) carrying out the functions of the Department of the Navy so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

"(5) effective cooperation and coordination between the Department of the Navy and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

"(6) the presentation and justification of the positions of the Department of the Navy on the plans, programs, and policies of the Department of Defense; and

"(7) the effective supervision and control of the intelligence activities of the Department of the Navy.

"(d) The Secretary of the Navy is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

"(e) After first informing the Secretary of Defense, the Secretary of the Navy may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(f) The Secretary of the Navy may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Navy and to the Assistant Secretaries of the Navy. Officers of the Navy and the Marine Corps shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

"(g) The Secretary of the Navy may—

"(1) assign, detail, and prescribe the duties of members of the Navy and Marine Corps and civilian personnel of the Department of the Navy;

"(2) change the title of any officer or activity of the Department of the Navy not prescribed by law; and

"(3) prescribe regulations to carry out his functions, powers, and duties under this title.".

(3) Section 5032 is transferred to the end of such chapter and redesignated as section 5013a.

(4) Such chapter is further amended by adding after section 5013a (as transferred and redesignated by paragraph (3)) the following new sections:

"§ 5014. Office of the Secretary of the Navy

"(a) There is in the Department of the Navy an Office of the Secretary of the Navy. The function of the Office is to assist the Secretary of the Navy in carrying out his responsibilities.

"(b) The Office of the Secretary of the Navy is composed of the following:

"(1) The Under Secretary of the Navy.

"(2) The Assistant Secretaries of the Navy.

"(3) The General Counsel of the Department of the Navy.

"(4) The Judge Advocate General of the Navy.

"(5) The Naval Inspector General.

"(6) The Chief of Naval Research.

"(7) Such other offices and officials as may be established by law or as the Secretary of the Navy may establish or designate.

"(c)(1) The Office of the Secretary of the Navy shall have sole responsibility within the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, for the following functions:

"(A) Acquisition.

"(B) Auditing.

"(C) Comptroller (including financial management).

"(D) Information management.

"(E) Inspector General.

"(F) Legislative affairs.

"(G) Public affairs.

"(2) The Secretary of the Navy shall establish or designate a single office or other entity within the Office of the Secretary of the Navy to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Office of the Chief of Naval Operations or the Headquarters, Marine Corps, to conduct any of the functions specified in paragraph (1).

"(3) The Secretary shall—

"(A) prescribe the relationship of each office or other entity established or designated under paragraph (2)—

"(i) to the Chief of Naval Operations and the Office of the Chief of Naval Operations; and

"(ii) to the Commandant of the Marine Corps and the Headquarters, Marine Corps; and

"(B) ensure that each such office or entity provides the Chief of Naval Operations and the Commandant of the Marine Corps such staff support as each considers necessary to perform his duties and responsibilities.

"(4) The vesting in the Office of the Secretary of the Navy of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Navy (including the Office of the Chief of Naval Operations and the Headquarters, Marine Corps) from providing advice or assistance to the Chief of Naval Operations and the Commandant of the Marine Corps or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Navy.

"(d)(1) Subject to paragraph (2), the Office of the Secretary of the Navy shall have sole responsibility within the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, for the function of research and development.

"(2) The Secretary of the Navy may assign to the Office of the Chief of Naval Operations and the Headquarters, Marine Corps, responsibility for those aspects of the function of research and development relating to military requirements and test and evaluation.

"(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Navy to conduct the function specified in paragraph (1).

"(4) The Secretary shall—

"(A) prescribe the relationship of the office or other entity established or designated under paragraph (3)—

"(i) to the Chief of Naval Operations and the Office of the Chief of Naval Operations; and

"(ii) to the Commandant of the Marine Corps and the Headquarters, Marine Corps; and

"(B) ensure that each such office or entity provides the Chief of Naval Operations and the Commandant of the Marine Corps such staff support as each considers necessary to perform his duties and responsibilities.

"(e) The Secretary of the Navy shall ensure that the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, do not duplicate specific functions for which the Secretary has assigned responsibility to another of such offices.

"(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Navy assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of Chief of Naval Operations, and the Headquarters, Marine Corps, may not exceed 2,866.

"(2) Not more than 1,720 officers of the Navy and Marine Corps on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps.

"(3) The total number of general and flag officers assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, may not exceed the number equal to 85 percent of the number of general and flag officers assigned or detailed to such duty on the date of the enactment of this subsection.

"(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, or the Headquarters, Marine Corps.

"(5) The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.

"§ 5015. Under Secretary of the Navy

"(a) There is an Under Secretary of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

"§ 5016. Assistant Secretaries of the Navy

"(a) There are four Assistant Secretaries of the Navy. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

"(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Navy.

"§ 5017. Secretary of the Navy: successors to duties

"If the Secretary of the Navy dies, resigns, is removed from office, is absent, or is disabled, the person who is highest on the following list, and who is not absent or disabled, shall perform the duties of the Secretary until the President, under section 3347 of title 5, directs another person to perform those duties or until the absence or disability ceases:

"(1) The Under Secretary of the Navy.

"(2) The Assistant Secretaries of the Navy, in the order prescribed by the Secretary of the Navy and approved by the Secretary of Defense.

"(3) The Chief of Naval Operations.

"(4) The Commandant of the Marine Corps.

"§ 5018. Administrative Assistant

"The Secretary of the Navy may appoint an Administrative Assistant in the Office of the Secretary of the Navy. The Administrative Assistant shall perform such duties as the Secretary may prescribe.

"§ 5019. General Counsel

"(a) There is a General Counsel of the Department of the Navy, appointed from civilian life by the President.

"(b) The General Counsel shall perform such functions as the Secretary of the Navy may prescribe.".

(5) Section 5088 is transferred to the end of such chapter (as amended by paragraph (4)), redesignated as section 5020, and amended—

(A) by striking out "Office of the Chief of Naval Operations" in subsection (a) and inserting in lieu thereof "Office of the Secretary of the Navy";

(B) by redesignating subsection (c) as subsection (d) and striking out "the Chief of Naval Operations" in such subsection and inserting in lieu thereof "the Secretary of the Navy"; ; and

(C) by inserting after subsection (b) the following new subsection (c):

"(c) The Naval Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Depart-

ment of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Navy.".

(d) TRANSFERS FROM CHAPTER 513.—Sections 5150, 5151, 5152, and 5153 are transferred to the end of chapter 503 (as amended by subsection (c)) and redesignated as sections 5021, 5022, 5023, and 5024, respectively.

(e) REPEAL OF SUPERSEDED CHAPTER.—Chapter 505 is repealed.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 503 is amended to read as follows:

"Sec.
"5011. Organization.
"5012. Department of the Navy: seal.
"5013. Secretary of the Navy.
"5013a. Secretary of the Navy: powers with respect to Coast Guard.
"5014. Office of the Secretary of the Navy.
"5015. Under Secretary of the Navy.
"5016. Assistant Secretaries of the Navy.
"5017. Secretary of the Navy: successors to duties.
"5018. Administrative Assistant.
"5019. General Counsel.
"5020. Naval Inspector General: detail; duties.
"5021. Office of Naval Research: Chief; appointment, term, emoluments; Assistant Chief; succession to duties.
"5022. Office of Naval Research: duties.
"5023. Office of Naval Research: appropriations; time limit.
"5024. Naval Research Advisory Committee.".

SEC. 512. OFFICE OF THE CHIEF OF NAVAL OPERATIONS

(a) REPEAL OF FORMER CHAPTER ON OFFICE OF CNO.—Chapter 509 is repealed.

(b) NEW CHAPTER ON OFFICE OF CNO.—Part I of subtitle C is amended by inserting after chapter 503 the following new chapter 505:

"CHAPTER 505—OFFICE OF THE CHIEF OF NAVAL OPERATIONS

"Sec.
"5031. Office of the Chief of Naval Operations: function; composition.
"5032. Office of the Chief of Naval Operations: general duties.
"5033. Chief of Naval Operations.
"5034. Chief of Naval Operations: retirement.
"5035. Vice Chief of Naval Operations.
"5036. Deputy Chiefs of Naval Operations.
"5037. Assistant Chiefs of Naval Operations.

"§ 5031. Office of the Chief of Naval Operations: function; composition

"(a) There is in the executive part of the Department of the Navy an Office of the Chief of Naval Operations. The function of the Office of the Chief of Naval Operations is to assist the Secretary of the Navy in carrying out his responsibilities.

"(b) The Office of the Chief of Naval Operations is composed of the following:

"(1) The Chief of Naval Operations.

"(2) The Vice Chief of Naval Operations.

"(3) The Deputy Chiefs of Naval Operations.

"(4) The Assistant Chiefs of Naval Operations.

"(5) The Surgeon General of the Navy.

"(6) The Chief of Naval Personnel.

"(7) The Chief of Chaplains of the Navy.

"(8) Other members of the Navy and Marine Corps assigned or detailed to the Office of the Chief of Naval Operations.

"(9) Civilian employees in the Department of the Navy assigned or detailed to the Office of the Chief of Naval Operations.

"(c) Except as otherwise specifically prescribed by law, the Office of the Chief of Naval Operations shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

"§ 5032. Office of the Chief of Naval Operations: general duties

"(a) The Office of the Chief of Naval Operations shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy and to the Chief of Naval Operations.

"(b) Under the authority, direction, and control of the Secretary of the Navy, the Office of the Chief of Naval Operations shall—

"(1) subject to subsections (c) and (d) of section 5014 of this title, prepare for such employment of the Navy, and for such recruiting, organizing, supplying, equipping (including those aspects of research and development assigned by the Secretary of the Navy), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Navy, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Naval Operations;

"(2) investigate and report upon the efficiency of the Navy and its preparation to support military operations by combatant commands;

"(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

"(4) as directed by the Secretary or the Chief of Naval Operations, coordinate the action of organizations of the Navy; and

"(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

"§ 5033. Chief of Naval Operations

"(a)(1) There is a Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate. The Chief of Naval Operations shall be appointed for a term of four years, from officers on the active-duty list in the line of the Navy who are eligible to command at sea and who hold the grade of rear admiral or above. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

"(2) The President may appoint an officer as the Chief of Naval Operations only if—

"(A) the officer has had significant experience in joint duty assignments; and

"(B) such experience includes at least one joint duty assignment as a flag officer.

"(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

"(b) The Chief of Naval Operations, while so serving, has the grade of admiral without vacating his permanent grade. In the performance of his duties within the Department of the Navy, the Chief of Naval Operations takes precedence above all other officers of the naval service.

"(c) Except as otherwise prescribed by law and subject to section 5013(f) of this title, the Chief of Naval Operations performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary.

"(d) Subject to the authority, direction, and control of the Secretary of the Navy, the Chief of Naval Operations shall—

"(1) preside over the Office of the Chief of Naval Operations;

"(2) transmit the plans and recommendations of the Office of the Chief of Naval Operations to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Office of the Chief of Naval Operations by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Navy and the Marine Corps as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

"(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

"(e)(1) The Chief of Naval Operations shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

"(2) To the extent that such action does not impair the independence of the Chief of Naval Operations in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Naval Operations shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Navy.

"(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Naval Operations shall keep the Secretary of the Navy fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

"§ 5034. Chief of Naval Operations: retirement

"An officer who is retired while serving as Chief of Naval Operations, or who, after serving at least two and one-half years as Chief of Naval Operations, is retired after completion of that service while serving in a lower grade than admiral, may, in the discretion of the President, be retired with the grade of admiral.

"§ 5035. Vice Chief of Naval Operations

"(a) There is a Vice Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list in the line of the Navy serving in grades above captain and eligible to command at sea.

"(b) The Vice Chief of Naval Operations, while so serving, has the grade of admiral without vacating his permanent grade.

"(c) The Vice Chief of Naval Operations has such authority and duties with respect to the Department of the Navy as the Chief of Naval Operations, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Vice Chief of Naval Operations in performing such duties have the same effect as those issued by the Chief of Naval Operations.

"(d) When there is a vacancy in the office of Chief of Naval Operations or during the absence or disability of the Chief of Naval Operations—

"(1) the Vice Chief of Naval Operations shall perform the duties of the Chief of Naval Operations until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Vice Chief of Naval Operations or the Vice Chief of Naval Operations is absent or

disabled, unless the President directs otherwise, the most senior officer of the Navy in the Office of the Chief of Naval Operations who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Naval Operations until a successor to the Chief of Naval Operations or the Vice Chief of Naval Operations is appointed or until the absence or disability of the Chief of Naval Operations or Vice Chief of Naval Operations ceases, whichever occurs first.

"§ 5036. Deputy Chiefs of Naval Operations

"(a) There are in the Office of the Chief of Naval Operations not more than five Deputy Chiefs of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list in the line of the Navy serving in grades above captain.

"(b) The Deputy Chiefs of Naval Operations are charged, under the direction of the Chief of Naval Operations, with the execution of the functions of their respective divisions. Orders issued by the Deputy Chiefs of Naval Operations in performing the duties assigned them are considered as coming from the Chief of Naval Operations.

"§ 5037. Assistant Chiefs of Naval Operations

"(a) There are in the Office of the Chief of Naval Operations not more than three Assistant Chiefs of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list in the line of the Navy and officers on the active-duty list of the Marine Corps.

"(b) The Assistant Chiefs of Naval Operations shall perform such duties as the Secretary of the Navy prescribes.".

SEC. 513. HEADQUARTERS, MARINE CORPS

(a) REPEAL OF FORMER CHAPTER ON HEADQUARTERS, MARINE CORPS.—Chapter 515 is repealed.

(b) NEW CHAPTER.—Part I of subtitle C is amended by inserting after chapter 505 (as added by section 512 of this Act) the following new chapter:

"CHAPTER 506—HEADQUARTERS, MARINE CORPS

"§ 5041. Headquarters, Marine Corps: function; composition

"(a) There is in the executive part of the Department of the Navy a Headquarters, Marine Corps. The function of the Headquarters, Marine Corps, is to assist the Secretary of the Navy in carrying out his responsibilities.

"(b) The Headquarters, Marine Corps, is composed of the following:

"(1) The Commandant of the Marine Corps.

"(2) The Assistant Commandant of the Marine Corps.

"(3) The Chief of Staff of the Marine Corps.

"(4) The Deputy Chiefs of Staff.

"(5) The Assistant Chiefs of Staff.

"(6) Other members of the Navy and Marine Corps assigned or detailed to the Headquarters, Marine Corps.

"(7) Civilian employees in the Department of the Navy assigned or detailed to the Headquarters, Marine Corps.

"(c) Except as otherwise specifically prescribed by law, the Headquarters, Marine Corps, shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

"§ 5042. Headquarters, Marine Corps: general duties

"(a) The Headquarters, Marine Corps, shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy and to the Commandant of the Marine Corps.

"(b) Under the authority, direction, and control of the Secretary of the Navy, the Headquarters, Marine Corps, shall—

"(1) subject to subsections (c) and (d) of section 5014 of this title, prepare for such employment of the Marine Corps, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Marine Corps, as will assist in the execution of any power, duty, or function of the Secretary or the Commandant;

"(2) investigate and report upon the efficiency of the Marine Corps and its preparation to support military operations by combatant commanders;

"(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

"(4) as directed by the Secretary or the Commandant, coordinate the action of organizations of the Marine Corps; and

"(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

"§ 5043. Commandant of the Marine Corps

"(a)(1) There is a Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate. The Commandant shall be appointed for a term of four years from officers on the active-duty list of the Marine Corps not below the grade of colonel. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

"(2) The President may appoint an officer as Commandant of the Marine Corps only if—

"(A) the officer has had significant experience in joint duty assignments; and

"(B) such experience includes at least one joint duty assignment as a general officer.

"(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

"(b) The Commandant of the Marine Corps, while so serving, has the grade of general without vacating his permanent grade.

"(c) An officer who is retired while serving as Commandant of the Marine Corps, or who, after serving at least two and one-half years as Commandant, is retired after completion of that service while serving in a lower grade than general, may, in the discretion of the President, be retired with the grade of general.

"(d) Except as otherwise prescribed by law and subject to section 5013(f) of this title, the Commandant performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary.

"(e) Subject to the authority, direction, and control of the Secretary of the Navy, the Commandant shall—

"(1) preside over the Headquarters, Marine Corps;

"(2) transmit the plans and recommendations of the Headquarters, Marine Corps, to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Headquarters, Marine Corps, by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Marine Corps and the Navy as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

"(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

"(f)(1) The Commandant shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

"(2) To the extent that such action does not impair the independence of the Commandant in the performance of his duties as a member of the Joint Chiefs of Staff, the Commandant shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Navy.

"(3) Subject to the authority, direction, and control of the Secretary of Defense, the Commandant shall keep the Secretary of the Navy fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

"§ 5044. Assistant Commandant of the Marine Corps

"(a) There is an Assistant Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list of the Marine Corps not restricted in the performance of duty.

"(b) The Assistant Commandant of the Marine Corps, while so serving, has the grade of general without vacating his permanent grade.

"(c) The Assistant Commandant has such authority and duties with respect to the Marine Corps as the Commandant, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Assistant Commandant in performing such duties have the same effect as those issued by the Commandant.

"(d) When there is a vacancy in the office of Commandant of the Marine Corps, or during the absence or disability of the Commandant—

"(1) the Assistant Commandant of the Marine Corps shall perform the duties of the Commandant until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Assistant Commandant of the Marine Corps or the Assistant Commandant is absent or disabled, unless the President directs otherwise, the most senior officer of the Marine Corps in the Headquarters, Marine Corps, who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Commandant until a successor to the Commandant or the Assistant Commandant is appointed or until the absence or disability of the Commandant or Assistant Commandant ceases, whichever occurs first.

"§ 5045. Chief of Staff; Deputy and Assistant Chiefs of Staff

"There are in the Headquarters, Marine Corps, a Chief of Staff, not more than five Deputy Chiefs of Staff, and not more than three Assistant Chiefs of Staff, detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.".

SEC. 514. TECHNICAL AND CLERICAL AMENDMENTS

(a) CONFORMING AMENDMENTS TO CHAPTER 513.—(1) The heading of chapter 513 is amended to read as follows:

"CHAPTER 513—BUREAUS; OFFICE OF THE JUDGE ADVOCATE GENERAL".

(2) Section 5155 is redesignated as section 5150.

(3) The table of sections at the beginning of such chapter is amended—

(A) by striking out the items relating to sections 5150, 5151, 5152, and 5153; and

(B) by redesignating the item relating to section 5155 to conform to the redesignation made by paragraph (2).

(b) TECHNICAL AMENDMENTS TO CHAPTER 661.—Chapter 661 is amended—

(1) by redesignating sections 7861 and 7862 as sections 7862 and 7863, respectively; and

(2) by striking out the table of sections at the beginning of such chapter and inserting in lieu thereof the following:

"Sec.
"7861. Custody of departmental records and property.
"7862. Accounts of paymasters of lost or captured naval vessels.
"7863. Disbursements by order of commanding officer.

"§ 7861. Custody of departmental records and property

"The Secretary of the Navy has custody and charge of all books, records, papers, furniture, fixtures, and other property under the lawful control of the executive part of the Department of the Navy.".

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 125(b) is amended by striking out "5012, 5013" and inserting in lieu thereof "5062, 5063".

(2) Section 5023 (as redesignated by section 5011(d) of this Act) is amended by striking out "section 5151" in subsection (a) and inserting in lieu thereof "section 5022".

(3) Sections 5589(a) and 6027 are amended by striking out "section 5155(b)" and inserting in lieu thereof "section 5150(b)".

(d) CLERICAL AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle C, and at the beginning of part I of such subtitle, are each amended by striking out the items relating to chapters 505, 507, 509, 513, and 515 and inserting in lieu thereof the following:

"505. Office of the Chief of Naval Operations	5031
"506. Headquarters, Marine Corps	5041
"507. Composition of the Department of the Navy	5061
"513. Bureaus; Office of the Judge Advocate General	5131".

(2) Subsection (c) of section 5024 (as redesignated by section 511(d) of this Act) is amended by striking out "claim proceeding" and inserting in lieu thereof "claim, proceeding,".

PART C—DEPARTMENT OF THE AIR FORCE

SEC. 521. THE AIR FORCE SECRETARIAT

(a) AMENDMENTS TO CHAPTER 803.—(1) Sections 8010, 8011, 8012, 8013, and 8014 are redesignated as sections 8011, 8012, 8013, 8014, and 8015, respectively.

(2) Section 8019 is transferred to the end of chapter 805 and is redesignated as section 8038.

(3) Chapter 803 is amended by striking out sections 8013, 8014, and 8015 (as redesignated by paragraph (1)) and inserting in lieu thereof the following:

"§ 8013. Secretary of the Air Force

"(a)(1) There is a Secretary of the Air Force, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Air Force.

"(2) A person may not be appointed as Secretary of the Air Force within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Air Force is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Air Force, including the following functions:

"(1) Recruiting.
"(2) Organizing.
"(3) Supplying.
"(4) Equipping (including research and development).
"(5) Training.
"(6) Servicing.
"(7) Mobilizing.
"(8) Demobilizing.
"(9) Administering (including the morale and welfare of personnel).
"(10) Maintaining.
"(11) The construction, outfitting, and repair of military equipment.
"(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

"(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Air Force is also responsible to the Secretary of Defense for—

"(1) the functioning and efficiency of the Department of the Air Force;

"(2) the formulation of policies and programs by the Department of the Air Force that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

"(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Air Force;

"(4) carrying out the functions of the Department of the Air Force so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

"(5) effective cooperation and coordination between the Department of the Air Force and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

"(6) the presentation and justification of the positions of the Department of the Air Force on the plans, programs, and policies of the Department of Defense; and

"(7) the effective supervision and control of the intelligence activities of the Department of the Air Force.

"(d) The Secretary of the Air Force is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

"(e) After first informing the Secretary of Defense, the Secretary of the Air Force may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(f) The Secretary of the Air Force may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Air Force and to the Assistant Secretaries of the Air Force. Officers of the Air Force shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

"(g) The Secretary of the Air Force may—

"(1) assign, detail, and prescribe the duties of members of the Air Force and civilian personnel of the Department of the Air Force;

"(2) change the title of any officer or activity of the Department of the Air Force not prescribed by law; and

"(3) prescribe regulations to carry out his functions, powers, and duties under this title.

"§ 8014. Office of the Secretary of the Air Force

"(a) There is in the Department of the Air Force an Office of the Secretary of the Air Force. The function of the Office is to assist the Secretary of the Air Force in carrying out his responsibilities.

"(b) The Office of the Secretary of the Air Force is composed of the following:

"(1) The Under Secretary of the Air Force.
"(2) The Assistant Secretaries of the Air Force.
"(3) The General Counsel of the Department of the Air Force.
"(4) The Inspector General of the Air Force.
"(5) The Air Reserve Forces Policy Committee.
"(6) Such other offices and officials as may be established by law or as the Secretary of the Air Force may establish or designate.

"(c)(1) The Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary and the Air Staff for the following functions:

"(A) Acquisition.
"(B) Auditing.
"(C) Comptroller (including financial management).
"(D) Information management.
"(E) Inspector General.
"(F) Legislative affairs.
"(G) Public affairs.

"(2) The Secretary of the Air Force shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Air Staff to conduct any of the functions specified in paragraph (1).

"(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff and to the Air Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

"(4) The vesting in the Office of the Secretary of the Air Force of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Air Force (including the Air Staff) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the De-

partment under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Air Force.

"(d)(1) Subject to paragraph (2), the Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary and the Air Staff for the function of research and development.

"(2) The Secretary of the Air Force may assign to the Air Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

"(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct the function specified in paragraph (1).

"(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Air Force and to the Air Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

"(e) The Secretary of the Air Force shall ensure that the Office of the Secretary of the Air Force and the Air Staff do not duplicate specific functions for which the Secretary has assigned responsibility to the other.

"(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Air Force assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff may not exceed 2,639.

"(2) Not more than 1,585 officers of the Air Force on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff.

"(3) The total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff may not exceed the number equal to 85 percent of the number of general officers assigned or detailed to such duty on the date of the enactment of this subsection.

"(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force or on the Air Staff.

"(5) The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.

"§ 8015. Under Secretary of the Air Force

"(a) There is an Under Secretary of the Air Force, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

"§ 8016. Assistant Secretaries of the Air Force

"(a) There are three Assistant Secretaries of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

"(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Air Force.".

(4) Section 8017 is amended—

(A) by striking out "(a)" at the beginning of the text of such section;

(B) by striking out clause (2) and inserting in lieu thereof the following:

"(2) The Assistant Secretaries of the Air Force, in the order prescribed by the Secretary of the Air Force and approved by the Secretary of Defense."; and

(C) by striking out subsection (b).

(5) Chapter 803 is further amended by adding at the end the following new sections:

"§ 8018. Administrative Assistant

"The Secretary of the Air Force may appoint an Administrative Assistant in the Office of the Secretary of the Air Force. The Administrative Assistant shall perform such duties as the Secretary may prescribe.

"§ 8019. General Counsel

"(a) There is a General Counsel of the Department of the Air Force, appointed from civilian life by the President.

"(b) The General Counsel shall perform such functions as the Secretary of the Air Force may prescribe.

"§ 8020. Inspector General

"(a) There is an Inspector General of the Air Force who shall be detailed to such position by the Secretary of the Air Force from the general officers of the Air Force. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest.

"(b) When directed by the Secretary or the Chief of Staff, the Inspector General shall—

"(1) inquire into and report upon the discipline, efficiency, and economy of the Air Force; and

"(2) perform any other duties prescribed by the Secretary or the Chief of Staff.

"(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Air Force and shall recommend additional inspections and investigations as may appear appropriate.

"(d) The Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Air Force.

"(e) The Inspector General shall have such deputies and assistants as the Secretary of the Air Force may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Air Force for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.".

(6) Section 8033 is transferred to the end of chapter 803 (as amended by paragraph (5)), redesignated as section 8021, and amended—

(A) in subsection (a)—

(i) by striking out "Policy which" and inserting in lieu thereof "Policy. The Committee";

(ii) by inserting "and the mobilization preparedness" after "reserve components";

(iii) by striking out "Air Force and the" and inserting in lieu thereof "Air Force. The"; and

(iv) by striking out "Chief of Staff, and the Assistant Secretary responsible for reserve affairs" and inserting in lieu thereof "Secretary of the Air Force and the Chief of Staff";

(B) in subsection (b), by inserting "and" after the semicolon in clause (2); and

(C) by striking out the section heading and inserting in lieu thereof the following:

"§ 8021. Air Force Reserve Forces Policy Committee".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 803 is amended to read as follows:

"Sec.
"8011. Organization.
"8012. Department of the Air Force: seal.
"8013. Secretary of the Air Force.
"8014. Office of the Secretary of the Air Force.
"8015. Under Secretary of the Air Force.
"8016. Assistant Secretaries of the Air Force.
"8017. Secretary of the Air Force: successors to duties.
"8018. Administrative Assistant.
"8019. General Counsel.
"8020. Inspector General.
"8021. Air Force Reserve Forces Policy Committee.".

SEC. 522. THE AIR STAFF

(a) COMPOSITION OF THE AIR STAFF.—Section 8031 is amended to read as follows:

"§ 8031. The Air Staff: function; composition

"(a) There is in the executive part of the Department of the Air Force an Air Staff. The function of the Air Staff is to assist the Secretary of the Air Force in carrying out his responsibilities.

"(b) The Air Staff is composed of the following:

"(1) The Chief of Staff.
"(2) The Vice Chief of Staff.
"(3) The Deputy Chiefs of Staff.
"(4) The Assistant Chiefs of Staff.
"(5) The Surgeon General of the Air Force.
"(6) The Judge Advocate General of the Air Force.
"(7) The Chief of the Air Force Reserve.
"(8) Other members of the Air Force assigned or detailed to the Air Staff.
"(9) Civilian employees in the Department of the Air Force assigned or detailed to the Air Staff.

"(c) Except as otherwise specifically prescribed by law, the Air Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.".

(b) GENERAL DUTIES.—(1) Subsection (a) of section 8032 is amended by inserting "of the Air Force" after "Chief of Staff".

(2) Subsection (b) of such section is amended—

(A) by striking out "The Air Staff" in the matter preceding clause (1) and inserting in lieu thereof "Under the authority, direction, and control of the Secretary of the Air Force, the Air Staff";

(B) by inserting "subject to subsections (c) and (d) of section 8014 of this title," before "prepare" in clause (1);

(C) by striking out ", training, serving, mobilizing, and demobilizing" in clause (1) and inserting in lieu thereof "(including those aspects of research and development assigned by the Secretary of the Air Force), training, servicing, mobilizing, demobilizing, administering, and maintaining";

(D) by striking out "for military operations" in clause (2) and inserting in lieu thereof "to support military operations by combatant commands"; and

(E) by striking out clause (4) and inserting in lieu thereof the following:

"(4) as directed by the Secretary or the Chief of Staff, coordinate the action of organizations of the Air Force; and".

(3) The heading of such section is amended to read as follows:

"§ 8032. The Air Staff: general duties".

(c) CHIEF OF STAFF.—Section 8034 is redesignated as section 8033 and is amended to read as follows:

"§ 8033. Chief of Staff

"(a)(1) There is a Chief of Staff of the Air Force, appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

"(2) The President may appoint an officer as Chief of Staff only if—

"(A) the officer has had significant experience in joint duty assignments; and

"(B) such experience includes at least one joint duty assignment as a general officer.

"(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

"(b) The Chief of Staff, while so serving, has the grade of general without vacating his permanent grade.

"(c) Except as otherwise prescribed by law and subject to section 8013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Air Force and is directly responsible to the Secretary.

"(d) Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief of Staff shall—

"(1) preside over the Air Staff;

"(2) transmit the plans and recommendations of the Air Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Air Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Air Force as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

"(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Air Force.

"(e)(1) The Chief of Staff shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

"(2) To the extent that such action does not impair the independence of the Chief of Staff in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Staff shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Air Force.

"(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Staff shall keep the Secretary of the Air Force fully informed of significant military operations affecting the duties and responsibilities of the Secretary.".

(d) VICE CHIEF OF STAFF.—Section 8035 is redesignated as section 8034 and is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) There is a Vice Chief of Staff of the Air Force, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force.

"(b) The Vice Chief of Staff of the Air Force, while so serving, has the grade of general without vacating his permanent grade.";

(2) by striking out subsection (c);

(3) by redesignating subsection (d) as subsection (c);

(4) by adding at the end the following new subsection:

"(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

"(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Air Force in the Air Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first."; and

(5) by striking out the section heading and inserting in lieu thereof the following:

"§ 8034. Vice Chief of Staff".

(e) DEPUTY CHIEFS OF STAFF.—Chapter 805 is further amended by inserting after section 8034 (as redesignated by subsection (d) of this section) the following new section:

"§ 8035. Deputy Chiefs of Staff and Assistant Chiefs of Staff

"(a) The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

"(b) The number of Deputy Chiefs of Staff and Assistant Chiefs of Staff shall be prescribed by the Secretary, except that—

"(1) there may not be more than five Deputy Chiefs of Staff; and

"(2) there may not be more than three Assistant Chiefs of Staff.".

(f) JUDGE ADVOCATE GENERAL; DEPUTY JUDGE ADVOCATE GENERAL.—Section 8072 is transferred to chapter 805, inserted after section 8036, and redesignated as section 8037.

(g) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 805 is amended to read as follows:

"Sec.
"8031. The Air Staff: function; composition.
"8032. The Air Staff: general duties.
"8033. Chief of Staff.
"8034. Vice Chief of Staff.
"8035. Deputy Chiefs of Staff and Assistant Chiefs of Staff.
"8036. Surgeon General: appointment; grade.
"8037. Judge Advocate General, Deputy Judge Advocate General: appointment; duties.
"8038. Office of Air Force Reserve: appointment of Chief.".

(2) The heading of section 8036 is amended by striking out the comma and inserting in lieu thereof a semicolon.

(3) Section 8038 (as redesignated by section 521(a)(2)) is amended by striking out the comma in subsection (a) after "Chief of Staff".

(4) The table of sections at the beginning of chapter 807 is amended by striking out the item relating to section 8072.

SEC. 523. AUTHORITY TO ORGANIZE AIR FORCE INTO SEPARATE ORGANIZATIONS

Section 8074(a) is amended by striking out "The" and inserting in lieu thereof "Except as otherwise prescribed by law or by the Secretary of Defense, the".

PART D—GENERAL CONFORMING AMENDMENTS AND TRANSITION PROVISIONS

SEC. 531. CONFORMING AMENDMENTS

(a) AMENDMENTS TO TITLE 10.—(1) Sections 175(d) and 523(b)(1)(B) are amended by striking out "3033" and "8033" and inserting in lieu thereof "3021" and "8021", respectively.

(2) Section 641(1)(B) is amended by striking out "3015, 3019, 3033, 3496, 5251, 5252, 8019, 8033," and inserting in lieu thereof "3021, 3038, 3040, 3496, 5251, 5252, 8021, 8038,".

(b) AMENDMENTS TO TITLE 37.—Section 204((a)(2) of title 37, United States Code, is amended by striking out "3033" and "8033" and inserting in lieu thereof "3021" and "8021", respectively.

SEC. 532. TRANSITION

(a) EFFECTIVE DATE.—The provisions of subsections (c) and (d) of each of sections 3014, 5014, and 8014 of title 10, United States Code, as added by sections 501, 511, and 521, respectively, shall be implemented not later than 180 days after the date of the enactment of this Act.

(b) REPORT.—Not later than 210 days after the date of the enactment of this Act, the Secretary of each military department shall submit to Congress a report on the actions that have been taken to implement the provisions referred to in subsection (a) with respect to that military department.

(c) WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF.—(1) The President may waive, as provided in paragraph (2), the requirements provided for in section 3033(a)(2), 5033(a)(2), 5043(a)(2), and 8033(a)(2) of title 10, United States Code (as added or amended by sections 502, 512, 513, and 522, respectively).

(2) In exercising such waiver authority, the President may, in the case of any officer—

(A) waive the requirement under section 664 of such title (as added by section 401 of this Act) for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(B) consider as a joint duty assignment any tour of duty served by the officer as a general or flag officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

(3) A waiver under paragraph (2) may not be made in the case of any officer more than four years after the date of the enactment of this Act.

(4) A waiver under this subsection may be made only on a case-by-case basis.

TITLE VI—MISCELLANEOUS

SEC. 601. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES AND CERTAIN OTHER ACTIVITIES

(a) MILITARY DEPARTMENTS AND COMBATANT COMMANDS.—(1) Effective on October 1, 1988, the total number of members of the Armed Forces and civilian employees assigned or detailed to duty described in paragraph (2)

may not exceed the number equal to 90 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

(2) Duty referred to in paragraph (1) is permanent duty in the military departments and in the unified and specified combatant commands to perform management headquarters activities or management headquarters support activities.

(3) In computing and implementing the limitation in paragraph (1), the Secretary of Defense shall exclude members and employees who are assigned or detailed to permanent duty to perform management headquarters activities or management headquarters support activities in the following:

(A) The Office of the Secretary of the Army and the Army Staff.

(B) The Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps.

(C) The Office of the Secretary of the Air Force and the Air Staff.

(D) The immediate headquarters staff of the commander of each unified or specified combatant command.

(4) If the Secretary of Defense applies any reduction in personnel required by the limitation in paragraph (1) to a unified or specified combatant command, the commander of that command, after consulting with his directly subordinate commanders, shall determine the manner in which the reduction shall be accomplished.

(b) DEFENSE AGENCIES AND DOD FIELD ACTIVITIES.—(1)(A) Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the management headquarters activities and management headquarters support activities in the Defense Agencies and Department of Defense Field Activities by a number that is at least 5 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

(B) Not later than September 30, 1989, the Secretary shall carry out an additional reduction in such members and employees of not less than 10 percent of the number of such members and employees assigned or detailed to such duty on September 30, 1988.

(C) If the number of members and employees reduced under subparagraph (A) or (B) is in excess of the reduction required to be made by that subparagraph, such excess number may be applied to the number required to be reduced under paragraph (2).

(2)(A) Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned or detailed to duty in management headquarters activities or management headquarters support activities, by a number that is at least 5 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

(B) Not later than September 30, 1989, the Secretary shall carry out an additional reduction in such members and employees of not less than 5 percent of the number of such members and employees assigned or detailed to such duty on September 30, 1988.

(3) If after the date of the enactment of this Act and before October 1, 1988, the total number of members and employees described in paragraph (1)(A) or (2)(A) is reduced by a number that is in excess of the number required to be reduced under that paragraph, the Secretary may, in meeting the additional reduction required by paragraph (1)(B) or (2)(B), as the case may be, offset such additional reduction by that excess number.

(4) The National Security Agency shall be excluded in computing and making reductions under this subsection.

(c) PROHIBITION AGAINST CERTAIN ACTIONS TO ACHIEVE REDUCTIONS.—Compliance with the limitations and reductions required by subsections (a) and (b) may not be accomplished by recategorizing or redefining duties, functions, offices, or organizations.

(d) ALLOCATIONS TO BE MADE BY SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall allocate the reductions required to comply with the limitations in subsections (a) and (b) in a manner consistent with the efficient operation of the Department of Defense. If the Secretary determines that national security requirements dictate that a reduction (or any portion of a reduction) required by subsection (b) not be made from the Defense Agencies and Department of Defense Field Activities, the Secretary may allocate such reduction (or any portion of such reduction) (A) to personnel assigned or detailed to permanent duty in management headquarters activities or management headquarters support activities, or (B) to personnel assigned or detailed to permanent duty in other than management headquarters activities or management headquarters support activities, as the case may be, of the Department of Defense other than the Defense Agencies and Department of Defense Field Activities.

(2) Among the actions that are taken to carry out the reductions required by subsections (a) and (b), the Secretary shall consolidate and eliminate unnecessary management headquarters activities and management headquarters support activities.

(e) TOTAL REDUCTIONS.—Reductions in personnel required to be made under this section are in addition to any reductions required to be made under other provisions of this Act or any amendment made by this Act.

(f) DEFINITIONS.—For purposes of this section, the terms "management headquarters activities" and "management headquarters support activities" have the meanings given those terms in Department of Defense Directive 5100.73, entitled "Department of Defense Management Headquarters and Headquarters Support Activities" and dated January 7, 1985.

SEC. 602. REDUCTION OF REPORTING REQUIREMENTS

(a) POLICY.—It is the policy of Congress to reduce the administrative burden placed on the Department of Defense by requirements for reports, studies, and notifications to be submitted to Congress through the elimination of outdated, redundant, or otherwise unnecessary reporting requirements.

(b) COMPILATION OF EXISTING REPORTING REQUIREMENTS.—(1) The Secretary of Defense shall compile a list of all provisions of law in effect on the date of the enactment of this Act or enacted after such date and before February 1, 1987, that require the President, with respect to national defense functions of the Government, or any official or employee of the Department of Defense to submit a report, notification, or study to Congress or any committee of Congress. The preceding sentence does not apply to a requirement for a report, notification, or study to be submitted one time.

(2) The Secretary shall submit to Congress the list compiled under paragraph (1) not later than six months after the date of the enactment of this Act. The Secretary shall include with such list (with respect to each report, notification, or study shown on the list) the following:

(A) The date the requirement for such report, notification, or study was first imposed by law and the current legal citation for such requirement.

(B) The Secretary's assessment of the continuing utility of such requirement to Congress and to the executive branch.

(C) The Secretary's assessment of the administrative burden of such requirement and how such burden relates to the utility of the report, notification, or study.

(D) The Secretary's recommendation as to whether such requirement should be retained, modified, or repealed.

(3) The matter submitted under paragraph (2) shall also include—

(A) any recommendation of the Secretary for consolidation of different requirements for reports, notifications, and studies; and

(B) a draft of legislation to implement any changes in law recommended by the Secretary and to conform statutory provisions to the elimination of reporting requirements under subsection (c).

(c) TERMINATION OF REPORTING REQUIREMENTS.—Except as provided in subsection (d), effective on January 1, 1987, each provision of law that is contained in title 10, 32, or 37, United States Code, or in any Act authorizing appropriations or making appropriations for military functions of the Department of Defense (including military construction and military family housing functions) shall not be effective to the extent such provision requires the submission of a report, notification, or study.

(d) EXCEPTIONS.—Subsection (c) does not apply—

(1) to a requirement for a report, notification, or study to be submitted one time;

(2) to a provision of law enacted on or after the date of the enactment of this Act (including any provision enacted by this Act); or

(3) to a provision of law that requires the submission of the reports, notifications, and studies described in subsections (e) through (u).

(e) PROVISIONS OF TITLE 10.—The exception provided in subsection (d)(3) applies to the following reports, notifications, and studies required by title 10, United States Code:

(1) The annual report required by section 113(c) of such title (as redesignated by section 101(a)), relating to the accomplishments of the Department of Defense.

(2) The annual report required by section 113(e) of such title (as redesignated by section 101(a) and amended by section 603), relating to major military missions and the military force structure of the United States.

(3) The annual reports required by section 115 of such title (as designated and amended by section 110(b))—

(A) under subsection (a)(2) of such section, relating to equipment of the National Guard and reserve components;

(B) under subsection (b)(3) of such section, relating to military and civilian personnel and strength levels, certain other manpower requirements, base structures, and certain requirements for and information on officers; and

(C) under subsection (c)(2) of such section, relating to average student training loads.

(4) The annual report required by section 116(a) of such title (as designated and amended by section 110(b)), relating to operations and maintenance.

(5) The annual report required by section 117 of such title (as redesignated by section 101(a)), relating to North Atlantic Treaty Organization readiness.

(6) The reports required by section 118 of such title (as redesignated by section 101(a)), relating to sales or transfers of certain defense articles.

(7) The report required by section 125(c) of such title, relating to the proposed reduction or elimination of a major weapon system.

(8) The reports required by subsection (b)(5) of section 138 of such title (as redesignated by section 101(a)) and the annual report required by subsection (g) of such section, relating to operational test and evaluation activities.

(9) Reports required by section 1092(a)(3) of such title, relating to studies and demonstration projects relating to delivery of health and medical care.

(10) The reports required by section 1464(c) of such title, relating to the status of the Department of Defense Military Retirement Fund.

(11) The report required by section 2137 of such title, relating to the educational assistance program for members of the Selected Reserve under chapter 106 of such title.

(12) The annual report required by section 2208(k) of such title, relating to the condition and operation of working-capital funds.

(13) The notifications required by section 2233a(a)(1) of such title, relating to expenditures and contributions for acquisition of facilities for reserve components.

(14) The notifications required by section 2304(c)(7) of such title, relating to the use of procurement procedures other than competitive procedures.

(15) The notifications required by section 2306(h)(3) of such title, relating to cancellation ceilings in certain multiyear contracts.

(16) The annual report required by section 2313(d)(4) of such title, relating to subpoenas issued by the Director of the Defense Contract Audit Agency to obtain contractor records.

(17) The annual report required by section 2349 of such title, relating to North Atlantic Treaty Organization acquisition and cross-servicing agreements.

(18) The semiannual report required by section 2357 of such title, relating to contracts in excess of $50,000 entered into by the military departments for research and development.

(19) The report required by section 2362(c) of such title, relating to the testing of wheeled or tracked armored vehicle programs.

(20) The reports required by section 2391(c) of such title, relating to miltiary base reuse studies and community planning assistance.

(21) The notifications required by section 2394(b)(2) of such title, relating to contracts for energy or fuel.

(22) The annual report required by section 2397(e) of such title, relating to the names of certain employees and former employees of defense contractors.

(23) The notifications required by clauses (B) and (C) of section 2401(b)(1) of such title, the cost analyses required by section 2401(e)(1) of such title, and the reports required by section 2401(e)(2) of such title, all relating to the long-term lease or charter of vessels and aircraft by the military departments.

(24) The notifications required by subsection (e)(1) of section 2403 of such title and the annual report required by subsection (e)(2) of such section, relating to waivers of certain requirements for contractor guarantees.

(25) The notifications required by paragraphs (1) and (2) of section 2407(d) of such title, relating to certain contracts awarded by the Department of Defense in connection with North Atlantic Treaty Organization cooperative agreements.

(26)(A) The annual and supplemental reports required by section 2431 of such title (as redesignated by section 101(a)), relating to weapons development and procurement schedules, including the matter required by section 53(b) of the Arms Export Control Act (22 U.S.C. 2795b(b)) to be included in such annual reports.

(B) The notifications in lieu of such supplemental reports under subsection (b) of such section.

(27) The Selected Acquisition Reports required by section 2432 of such title (as redesignated by section 101(a)).

(28) The notifications required by subsection (d)(3) of section 2433 of such title (as redesignated by section 101(a)) and reports required by subsection (e) of such section, relating to increases in program acquisition unit costs and procurement unit costs of certain major defense acquisition programs.

(29) The annual report required by section 2457(d) of such title, relating to the policy to standardize equipment, ammunition, and fuel procured for the use of United States military forces stationed in Europe under the North Atlantic Treaty.

(30) The reports required by subsection (a) or (e) of section 2662 of such title and the annual report required by subsection (b) of such section, relating to certain real property transactions.

(31) The notifications required by section 2667a(g)(3) of such title, relating to expenditures in excess of $300,000 from the DOD Facilities Replacement Management Account.

(32) The notifications required by section 2672(b) of such title, relating to acquisitions of interests in land for more than $100,000.

(33) The notifications required by section 2676(d) of such title, relating to reductions in scope and increases in cost of a land acquisition.

(34)(A) The notifications required by section 2687(b) of such title, relating to base closures and realignments.

(B) The certification provided for in section 2687(c) of such title, relating to a closure or realignment of a military installation for reasons of national security.

(35) The annual report required by section 2779(b)(4) of such title, relating to the use of funds appropriated for the elimination of certain losses caused by fluctuations in currency exchange rates of foreign countries.

(36) The reports required by section 2803(b) of such title, relating to emergency military construction projects carried out under section 2803 of such title.

(37) The reports required by section 2804(b) of such title, relating to military construction projects not authorized by law.

(38) The notifications required by paragraphs (2) and (3) of section 2805(b) of such title, relating to minor construction in connection with certain relocations of activities from one installation to another.

(39) The reports required by section 2806(c)(2) of such title, relating to contributions for North Atlantic Treaty Organization Infrastructure.

(40) The notifications required by subsection (b) of section 2807 of such title and the reports required by subsection (c) of such section, relating to architectural and engineering services and construction design in connection with military construction or military family housing projects.

(41) The notifications required by section 2808(b) of such title, relating to military construction projects in the event of a declaration of war or national emergency.

(42) The justifications and economic analyses required by section 2809(a)(4) of such title, relating to long-term contracts for the construction, management, and operation of certain facilities.

(43) The notifications and justifications required by section 2823(b) of such title, relating to disagreements on the availability of suitable alternative housing at locations in the United States where family housing is proposed to be constructed.

(44) The notifications required by section 2827(b) of such title, relating to relocation of military family housing units.

(45) The notifications and reports of economic analyses required by section 2828 of such title—

(A) under subsection (b)(3) of such section, relating to domestic family housing limitations;

(B) under subsection (f) of such section, relating to the proposed lease of miltiary family housing in excess of authorized amounts; and

(C) under subsection (g)(6)(A) of such section, relating to leasing of military family housing facilities.

(46) The notifications required by section 2834(b) of such title, relating to agreements with the Secretary of State for the use of Department of State housing and related services by Department of Defense personnel.

(47) The notifications required by subsections (d) and (e) of section 2853 of such title, relating to reductions in the scope of work or increases in the cost of military construction projects.

(48) The notifications required by section 2854(b) of such title, relating to repair, restoration, or replacement of damaged or destroyed military facilities.

(49) The notifications required by section 2856(b) of such title, relating to regulations establishing limitations on barracks space.

(50) The annual report required by section 2861(a) of such title, relating to military construction activities and military family housing activities.

(51) The notifications required by section 7307(b)(2) of such title, relating to the disposition of naval vessels to foreign nations.

(52) The quarterly report required by section 7434 of such title, relating to production from the naval petroleum reserves.

(f) PROVISIONS OF TITLE 37.—(1) The exception provided in subsection (d)(3) applies to the report required by section 406(i) of title 37, United States Code, relating to dependents accompanying members of the Armed Forces stationed outside the United States.

(2) Such section is amended—

(A) by striking out "quarter" in the matter preceding clause (1); and

(B) by striking out "quarter" in clauses (1) and (2) and inserting in lieu thereof "fiscal year".

(g) PUBLIC LAW 91-121.—Notifications required by subsections (b)(4) and (c)(1) of section 409 of Public Law 91-121 (50 U.S.C. 1512(4), 1513(1)), relating to chemical or biological warfare agents.

(h) PUBLIC LAW 91-441.—Reports required by section 203(c) of Public Law 91-441 (10 U.S.C. 2358 note), relating to independent research and development and bid and proposal programs.

(i) PUBLIC LAW 93-365.—The exception provided in subsection (d)(3) applies to the statements and quarterly report required by subsections (c) and (e) of section 709 of the Department of Defense Appropriation Authorization Act, 1975 (50 U.S.C. App. 2403-1(e)), relating to the export of certain goods, technology, and industrial techniques.

(j) PUBLIC LAW 96-342.—The exception provided in subsection (d)(3) applies to the notifications, summaries, certifications, and reports required by subsections (a), (b), and (c) of section 502 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2304 note), relating to conversion of performance of commercial and other type functions from Department of Defense personnel to private contractors.

(k) PUBLIC LAW 98-94.—The exception provided in subsection (d)(3) applies to the following:

(1) The notifications required by section 1201(c) of the Department of Defense Authorization Act, 1984 (97 Stat. 678), relating to transfers of amounts of authorizations.

(2) The reports and assessments required by section 1231 of such Act (97 Stat. 693), relating to certain intercontinental ballistic missile systems.

(3) The reports required by section 1252(d) of such Act (97 Stat. 698), relating to the cost effectiveness of and the quality of medical care provided by public health service hospitals.

(l) PUBLIC LAW 98-525.—The exception provided in subsection (d)(3) applies to the following:

(1) Reports required by section 105(b)(1) of the Department of Defense Authorization Act, 1985 (98 Stat. 2503), relating to government-to-government agreements for acquisition in connection with certain NATO cooperative programs.

(2) The reports required by section 307(b)(3) of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2304 note), relating to waivers of a prohibition on contracting out certain logistics activities.

(3) The annual report required by section 1002(d)(1) of such Act (22 U.S.C. 1928 note), relating to the supply of munitions and certain aircraft facilities in support of the North Atlantic Treaty Organization.

(4) The annual report required by section 1002(d)(2) of such Act (22 U.S.C. 1928 note), relating to the status and cost of the United States commitment to the North Atlantic Treaty Organization and certain activities of other member nations of the North Atlantic Treaty Organization.

(5) The annual reports required by subsections (c) and (d) of section 1003 of such Act (22 U.S.C. 1928 note), relating to allied contributions to the common defense.

(6) The annual report required by section 1102 of such Act (10 U.S.C. 2872 note (formerly 10 U.S.C. 139 note)), relating to the Strategic Defense Initiative and any other antiballistic missile defense program.

(7) The notifications required by section 1501(c) of such Act (98 Stat. 2626), relating to transfers of amounts of authorizations.

(8) The notification required by section 1512 of the Department of Defense Authorization Act, 1985 (98 Stat. 2627), relating to the use of funds for the B-1B bomber aircraft program beyond 100 aircraft.

(9) The reports required by section 1536(g) of such Act (98 Stat. 2633; 46 U.S.C. 1120 note), relating to the Commission on Merchant Marine and Defense.

(m) PUBLIC LAW 99-145.—The exception provided in subsection (d)(3) applies to the following:

(1) Reports required by section 106(a)(2) of the Department of Defense Authorization Act, 1986 (99 Stat. 596), relating to government-to-government agreements for acquisition in connection with certain NATO cooperative programs.

(2) The certification required by section 125(a)(1) of the Department of Defense Authorization Act, 1986 (99 Stat. 601), relating to any new contract for the procurement of 5-ton trucks.

(3) The legislative environmental impact statement required by section 209(c) of such Act (99 Stat. 610), relating to full-scale development of a small intercontinental ballistic missile or the selection of basing areas for the deployment of such missile.

(4) The certification required by section 222 of such Act (99 Stat. 613), relating to termination of a prohibition of deployment of a strategic defense system.

(5) The reports required by section 223 of such Act (99 Stat. 613), relating to the Strategic Defense Initiative.

(6) The quarterly reports required by section 502(c) of such Act (99 Stat. 621), relating to the obligation of funds appropriated for civilian personnel.

(7) The report required by section 1002 of such Act (99 Stat. 705), relating to Soviet compliance with arms control commitments.

(8) The annual report required by section 1221(d)(2) of such Act (99 Stat. 727), relating to a research program to support the polygraph activities of the Department of Defense.

(9) The annual reports required by section 1407 of such Act (99 Stat. 745), relating to unobligated balances in appropriation accounts.

(10)(A) The certifications required by subsections (b) and (c)(2) of section 1411 of such Act (99 Stat. 745), relating to the procurement or assembly of binary chemical weapons.

(B) The report required by subsection (e) of such section, relating to consultations among member nations of the North Atlantic Treaty Organization concerning the chemical deterrent posture of the North Atlantic Treaty Organization.

(11) The annual report required by section 1412(g) of the Department of Defense Authorization Act, 1986 (99 Stat. 748), relating to the program for the destruction of the United States stockpile of lethal chemical agents and munitions.

(n) PUBLIC LAW 98-473.—The exception provided in subsection (d)(3) applies to the following:

(1) The notifications required by the proviso in section 8005(m) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473 (98 Stat. 1923)), relating to unusual cost overruns incident to overhaul, maintenance, and repair for certain ships.

(2) The annual report required by section 8104(b) of such Act (98 Stat. 1942), relating to consultations with members of common defense alliances concerning Strategic Defense Initiative research.

(o) PUBLIC LAW 99-190.—The exception provided in subsection (d)(3) applies to the following:

(1) The notifications required by section 8020 or 8021 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1206)), relating to transfers of working capital funds.

(2) The notifications required by section 8021 of such Act (99 Stat. 1206), relating to the obligation of working capital funds to procure war reserve material inventory.

(3) The notifications required by section 8042 of such Act (99 Stat. 1210), relating to the availability of appropriated funds for intelligence or special activities different from activities justified to the Congress.

(4) The notification required by section 8075 of such Act (99 Stat. 1214), relating to the acquisition of certain types of weapons, subsystems, and munitions of European North Atlantic Treaty Organization manufacture.

(5) The certification required by section 8097 of such Act (99 Stat. 1219), relating to the obligation or expenditure of funds to carry out a test of the Space Defense System (anti-satellite weapon) against an object in space.

(p) MILITARY CONSTRUCTION AUTHORIZATION ACTS.—(1) The exception provided in subsection (d)(3) applies to the annual reports required by section 704 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1377), relating to contracts for construction in the United States and its possessions.

(2) The exception provided in subsection (d)(3) applies to the following:

(A) The economic analyses required by section 802(d)(1) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), relating to proposed military housing rental guarantee agreements.

(B) The notifications required by section 803(b)(2) of such Act (10 U.S.C. 2821 note), relating to waivers of a requirement to use manufactured or factory-built housing fabricated in the United States by a United States contractor for military family housing construction in foreign countries.

(3) The exception provided in subsection (d)(3) applies to the report required by section 840(d) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 998), relating to the sale of land at Fort Jackson, South Carolina.

(q) MILITARY CONSTRUCTION APPROPRIATION ACTS.—The exception provided in subsection (d)(3) applies to the following:

(1) The annual report required by the third proviso in the undesignated paragraph under the heading "FOREIGN CURRENCY FLUCTUATION, CONSTRUCTION, DEFENSE" in the Military Construction Appropriation Act, 1980 (Public Law 96-130; 93 Stat. 1019), relating to transfers of appropriated funds to eliminate losses in military construction or expenses of family housing caused by fluctuations in foreign currency exchange rates of foreign countries.

(2) The reports required by section 125(a) of the Military Construction Appropriations Act, 1985 (as contained in section 101(e) of Public Law 98-473; 98 Stat. 1883), relating to terminations of a prohibition on the availability of appropriated military construction funds to foreign governments ineligible to receive such funds by reason of inadequate drug control measures.

(r) The report required by section 1436(a) of title 38, United States Code, relating to the New GI Bill Educational Assistance Program under chapter 30 of such title.

(s) INSPECTOR GENERAL ACT OF 1978.—The exception provided in subsection (d)(3) applies to the following:

(1) The semiannual report required by section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App. 3), relating to activities of the Inspector General of the Department of Defense.

(2) The reports required by section 5(d) of such Act (5 U.S.C. App. 3), relating to par-

ticular cases of problems, abuses, or deficiencies which have come to the attention of the Inspector General of the Department of Defense.

(3) The statements required by paragraphs (3) and (4) of section 8(b) of such Act (5 U.S.C. App. 3), relating to the exercise of certain authority of the Secretary of Defense with respect to the activities of the Inspector General of the Department of Defense.

(t) INTELLIGENCE COMMUNITY PROVISIONS.—The exception provided in subsection (d)(3) applies to the following:

(1) The requirement to furnish information and to report to Congress concerning intelligence activities as provided in title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(2) Reports and information required to be furnished under the following provisions of law:

(A) Section 1601(e) of title 10, United States Code, relating to the Defense Intelligence Senior Executive Service.

(B) Section 1604(e) of such title, relating to termination of certain Defense Intelligence Agency personnel.

(C) Section 1605 of such title, relating to benefits and allowances for certain Defense Intelligence Agency civilian personnel.

(3) Reports and information required to be furnished under section 431 of title 37, United States Code, relating to benefits and allowances for certain military personnel assigned to the Defense Intelligence Agency.

(u) ADDITIONAL MISCELLANEOUS EXCEPTIONS.—The exception provided in subsection (d)(3) applies to the following:

(1) The reports required by section 673(d) of title 10, United States Code, relating to the necessity for units of the Ready Reserve being ordered to active duty.

(2) The reports required v[by section 673b(f) of such title, relating to necessity of ordering units or members of the Selected Reserve to active duty.

(3) The reports required under section 836(b) (article 36(b)) of such title, relating to rules and regulations prescribed by the President under such section.

(4) The reports required by section 867(g)(1) (article 69(g)(1)) of such title, relating to the operation of the Uniform Code of Military Justice.

(5) The reports required by subsections (a) and (b) of section 1008 and subsections (e) and (f) of section 1009 of title 37, United States Code, relating to military compensation.

SEC. 603. ANNUAL REPORT ON NATIONAL SECURITY STRATEGY

(a) ANNUAL PRESIDENTIAL REPORT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

"ANNUAL NATIONAL SECURITY STRATEGY REPORT

"SEC. 104. (a)(1) The President shall transmit to Congress each year a comprehensive report on the national security strategy of the United States (hereinafter in this section referred to as a 'national security strategy report').

"(2) The national security strategy report for any year shall be transmitted on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code.

"(b) Each national security strategy report shall set forth the national security strategy of the United States and shall include a comprehensive description and discussion of the following:

"(1) The worldwide interests, goals, and objectives of the United States that are vital to the national security of the United States.

(2) The foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States.

(3) The proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in paragraph (1).

(4) The adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy.

"(5) Such other information as may be necessary to help inform Congress on matters relating to the national security strategy of the United States.

"(c) Each national security strategy report shall be transmitted in both a classified and an unclassified form.".

(2) The table of contents in the first section of such Act is amended by inserting after the item relating to section 103 the following new item:

"Sec. 104. Annual national security strategy report.".

(b) REVISION OF ANNUAL SECRETARY OF DEFENSE REPORT.—Subsection (e) of section 113 (as redesignated by section 101(a) of this Act) is amended to read as follows:

"(e)(1) The Secretary shall include in his annual report to Congress under subsection (c)—

"(A) a description of the major military missions and of the military force structure of the United States for the next fiscal year;

"(B) an explanation of the relationship of those military missions to that force structure; and

"(C) the justification for those military missions and that force structure.

"(2) In preparing the matter referred to in paragraph (1), the Secretary shall take into consideration the content of the annual national security strategy report of the President under section 104 of the National Security Act of 1947 for the fiscal year concerned.".

SEC. 604. LEGISLATION TO MAKE REQUIRED CONFORMING CHANGES IN LAW

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a draft of legislation to make any technical and conforming changes to title 10, United States Code, and other provisions of law that are required or should be made by reason of the amendments made by this Act.

SEC. 605. GENERAL TECHNICAL AMENDMENTS

(a) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of such subtitle, are amended by striking out the items relating to chapters 3 through 8 and inserting in lieu thereof the following:

"2. Department of Defense. 111
"3. General Powers and Functions..... 121
"4. Office of the Secretary of Defense. 131
"5. Joint Chiefs of Staff. 151
"6. Combatant Commands..... 161
"7. Boards, Councils, and Committees. 171
"8. Defense Agencies and Department of Defense Field Activities..... 191".

(b) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of such subtitle, are amended by inserting after the item relating to chapter 143 the following new item:

"144. Oversight of Cost Growth in Major Programs..... 2431."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House, insert the following: "An Act to reorganize the Department of Defense and strengthen civilian authority in the Department of Defense, to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense, to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands and ensure that the authority of those commanders is fully commensurate with that responsibility, to increase attention to the formulation of strategy and to contingency planning, to provide for more efficient use of defense resources, to improve joint officer management policies, otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defense, and for other purposes.".

And the House agree to the same.

LES ASPIN,
BILL NICHOLS,
IKE SKELTON,
NICK MAVROULES,
WM. L. DICKINSON,
LARRY J. HOPKINS,
JOHN R. KASICH,
Managers on the Part of the House.

BARRY GOLDWATER,
STROM THURMOND,
JOHN WARNER,
GORDON J. HUMPHREY,
BILL COHEN,
DAN QUAYLE,
PETE WILSON,
JEREMIAH DENTON,
PHIL GRAMM,
JAMES T. BROYHILL,
SAM NUNN,
JOHN C. STENNIS,
GARY HART,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
ALAN J. DIXON,
JOHN GLENN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 3622) to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House amendment to the Senate amendment to the text of the bill struck out all of the Senate amendment and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate amendment and the House amendment thereto. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

BACKGROUND

On November 20, 1985, by a vote of 383-27, the House of Representatives passed H.R. 3622, the Joint Chiefs of Staff Reorganization Act of 1985. On April 14, 1986, the Senate Committee on Armed Services reported an original bill, S. 2295, the Department of Defense Reorganization Act of 1986. After Senate consideration, this bill was substituted for the text of H.R. 3622, and H.R. 3622 (as amended) passed the Senate by a vote of 95-0 on May 7, 1986. During consideration by the Senate, the short title of the bill was amended to become the Barry Goldwater Department of Defense Reorganization Act of 1986.

On July 21, 1986, the House Committee on Armed Services reported H.R. 4370, the Bill Nichols Department of Defense Reorganization Act of 1986. On August 5, 1986, H.R. 4370 was offered as an amendment to H.R. 4428, the Department of Defense Authorization Act, 1987 and was approved by the House of Representatives by a vote of 406-4.

On August 11, 1986, the House of Representatives amended the Bill Nichols Department of Defense Reorganization Act of 1986 to add the text of the original H.R. 3622 as title VI. The House of Representatives then substituted the text of this bill (as amended) for the text of the Senate amendment to H.R. 3622.

The conference committee convened on August 13, 1986 and completed action on September 11, 1986.

SUMMARY OF MAJOR PROVISIONS

The major provisions of the conference substitute amendment are summarized below.

TITLE I—DEPARTMENT OF DEFENSE GENERALLY

1. Requires the Secretary of Defense to provide annually to Department of Defense (DoD) components written policy guidance for the preparation of the components' program and budget proposals.

2. Requires the Secretary of Defense to provide annually to the Chairman of the Joint Chiefs of Staff (JCS) written policy guidance for the preparation and review of contingency plans.

3. Specifies that the Under Secretary of Defense for Policy is to assist the Secretary of Defense in preparing guidance for contingency plans and in reviewing those plans.

4. Retains the existing number (11) of Assistant Secretaries of Defense but eliminates their statutory titles, except for the Assistant Secretaries of Defense for Reserve Affairs and for Command, Control, Communications, and Intelligence.

5. Requires the Secretary of Defense to keep the Secretaries of the Military Departments informed of military operations and DoD activities that directly affect their responsibilities.

6. Requires the Secretary of Defense to advise the President on the qualifications needed by DoD political appointees.

7. Repeals the Secretary of Defense's authority to reorganize DoD positions and activities that have been established in law.

8. Requires the Secretary of Defense, the JCS Chairman, the Secretaries of the Military Departments (jointly), and an independent contractor to conduct separate studies on the functions and organization of the Office of the Secretary of Defense (OSD).

TITLE II—MILITARY ADVICE AND COMMAND FUNCTIONS

PART A—JOINT CHIEFS OF STAFF

Advisory Role of the Chairman and Other JCS Members

1. Designates the JCS Chairman as the principal military adviser to the President, the National Security Council (NSC), and the Secretary of Defense.

2. Specifies that the other JCS members are military advisers to the President, the NSC, and the Secretary of Defense, as provided in items #5 and #6 below.

3. Requires the JCS Chairman, as appropriate, to consult with and seek the advice of the other JCS members and the unified and specified combatant commanders.

4. Requires the JCS Chairman, in presenting advice, to inform, as appropriate, the President, the NSC, or the Secretary of Defense of the range of military advice on a matter.

5. Requires the JCS Chairman to submit to the President, the NSC, and the Secretary of Defense any JCS member's opinion in disagreement or in addition to the Chairman's advice.

6. Requires JCS members, individually or collectively, to provide advice on a particular matter whenever the President, the NSC, or the Secretary of Defense request it.

Appointment and Duties of the JCS Chairman

7. Allows the President to reappoint the JCS Chairman to a third two-year term; specifies that if a JCS Chairman does not complete his term, his successor shall serve for the remainder of the unexpired term and then may be reappointed to two two-year terms; specifies that the JCS Chairman's term begins on October 1st of odd-numbered years.

8. Requires, subject to the President's waiver, that an officer have served as the JCS Vice Chairman, a Service Chief of Staff, or a unified or specified combatant commander in order to be appointed as the JCS Chairman.

9. Transfers responsibility for the duties currently performed by the corporate JCS to the Chairman; updates and expands those duties to specify the following new statutory duties for the JCS Chairman:

preparing fiscally constrained strategic plans;

performing net assessments;

providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense;

advising the Secretary of Defense on the critical deficiencies and strengths in force capabilities that are identified during the preparation of contingency plans and their effect on meeting national security objectives;

establishing and maintaining a uniform system of evaluating the readiness of the unified and specified combatant commands;

advising the Secretary of Defense on the priorities of the unified and specified combatant commanders' requirements;

advising the Secretary of Defense on the extent to which the Services' budget proposals conform with the priorities established in strategic plans and for the requirements of the unified and specified combatant commanders;

submitting to the Secretary of Defense alternative budget proposals in order to achieve greater conformance with the priorities established in strategic plans and for the requirements of the unified and specified combatant commands;

recommending to the Secretary of Defense a budget proposal for activities of each unified and specified combatant command;

assessing military requirements for acquisition programs; and

developing joint doctrine.

10. Requires the JCS Chairman to submit a report every 3 years to the Secretary of Defense on the roles and missions of the Armed Forces.

11. Authorizes the JCS Chairman, subject to the direction of the President, to attend and participate in National Security Council meetings.

Appointment and Duties of the JCS Vice Chairman

12. Creates the new position of Vice Chairman of the JCS with the rank of a four-star officer.

13. Designates the Vice Chairman as the second-ranking military officer just below the Chairman.

14. Requires the JCS Chairman and Vice Chairman to be from different Services.

15. Specifies that the Vice Chairman may serve up to three two-year terms.

16. Requires, subject to the President's waiver, that an officer have the joint specialty (established in title IV of the conference substitute amendment) and have served in at least one joint duty assignment as a general or flag officer in order to be appointed as the Vice Chairman.

17. Specifies that the Vice Chairman is to perform whatever duties are prescribed or delegated to him by the Chairman with the Secretary of Defense's approval.

18. Designates the Vice Chairman as the acting JCS Chairman in the absence or disability of the Chairman.

19. Authorizes the Vice Chairman to participate in all JCS meetings and to vote only when acting as Chairman.

Joint Staff

20. Specifies that the Joint Staff is to assist the JCS Chairman and, subject to the authority, direction, and control of the Chairman, the other JCS members and the Vice Chairman in carrying out their responsibilities.

21. Specifies that the JCS Chairman manages the Joint Staff; the Chairman is to prescribe the duties and staffing procedures of the Joint Staff.

PART B—COMBATANT COMMANDS (UNIFIED AND SPECIFIED COMMANDS)

1. Specifies that the operational chain of command, unless otherwise directed by the President, runs from the President to the Secretary of Defense to the unified and specified combatant commanders.

2. Authorizes the President to direct that communications between the President or

the Secretary of Defense and the unified and specified combatant commanders run through the JCS Chairman.

3. Authorizes the President to assign duties to the JCS Chairman to assist the President and the Secretary of Defense in performing their command function.

4. Authorizes the Secretary of Defense to assign responsibility to the JCS Chairman for overseeing the activities of the unified and specified combatant commands.

5. Specifies that the JCS Chairman is to serve as the spokesman for the unified and specified combatant commanders, especially on their operational requirements.

6. Requires, subject to the President's waiver, that an officer have the joint specialty and have served in at least one joint duty assignment as a general or flag officer in order to be selected as a unified or specified combatant commander.

7. Specifies the command functions included in the authority, direction, and control of the unified or specified combatant commander over the commands and forces within his command.

8. Authorizes the Secretary of Defense to assign authority to the unified or specified combatant commander for those aspects of administration and support that the Secretary considers necessary to accomplish that commander's missions.

9. Specifies that commanders within a unified or specified combatant command are under the authority, direction, and control of the unified or specified combatant commander on all matters for which the unified or specified combatant commander has been assigned authority.

10. Requires subordinate elements of a unified or specified combatant command and other DoD elements to communicate with each other (on matters for which the unified or specified combatant commander has been assigned authority) in accordance with procedures established by the unified or specified combatant commander.

11. Authorizes the unified or specified combatant commander to direct subordinate elements within his command to advise him of all communications to and from other DoD elements (on matters for which he has not been assigned authority).

12. Requires that the selection of directly subordinate commanders and members of the unified or specified combatant command staff be made only with the unified or specified combatant commander's concurrence.

13. Requires the unified or specified combatant commander to evaluate the duty performance of directly subordinate commanders.

14. Authorizes the unified or specified combatant commander to suspend from duty and recommend the reassignment of any officer assigned to his command.

15. Requires the Secretary of Defense to include in the annual defense budget request a separate budget proposal for those activities of the unified and specified combatant commands that he determines to be appropriate.

TITLE III—DEFENSE AGENCIES AND DOD FIELD ACTIVITIES

1. Requires the Secretary of Defense to assign supervisory responsibility for each Defense Agency and Field Activity (except the Defense Intelligence Agency and the National Security Agency) to an OSD official or the JCS Chairman.

2. Directs the JCS Chairman to review and advise the Secretary of Defense on the readiness of certain Defense Agencies to carry out their wartime support missions.

3. Requires the JCS Chairman to provide for the participation of certain Defense Agencies in joint training exercises.

4. Requires the JCS Chairman to develop a readiness reporting system for certain Defense Agencies.

5. Directs the Secretary of Defense, the JCS Chairman, and the Secretaries of the Military Departments to conduct separate studies of the functions and organizational structure of the Defense Agencies and Field Activities.

6. Directs the Secretary of Defense to undertake, 2 years after the initial report required by item #5, a biennial review of the Defense Agencies and Field Activities.

7. Reduces the number of headquarters and non-headquarters personnel serving in the Defense Agencies and Field Activities; imposes a cap at the reduced levels of September 30, 1989.

TITLE IV—JOINT OFFICER PERSONNEL POLICY

1. Establishes an occupational category, referred to as the "joint specialty", for the management of officers who are trained in and oriented toward joint matters.

2. Provides that joint specialty officers shall be selected the Secretary of Defense from nominees submitted by the Secretaries of the Military Departments.

3. Requires that an officer may not be selected for the joint specialty until he completes a joint education program and a full joint duty tour.

4. Requires that 50 percent of joint duty positions in grades above captain/Navy lieutenant be filled by officers who have been nominated or selected for the joint specialty.

5. Directs the Secretary of Defense to designate at least 1,000 critical joint duty assignments that must always be filled by joint specialty officers.

6. Requires the Secretary of Defense to establish career guidelines for joint specialty officers.

7. Requires, subject to a waiver by the Secretary of Defense, that all officers promoted to general or flag rank must attend an education course (CAPSTONE) on working with the other armed forces.

8. Requires all joint specialty officers and a high proportion of other officers who graduate from a joint school to be assigned immediately to a joint duty position.

9. Prescribes, subject to a waiver by the Secretary of Defense, that joint duty tours shall be at least 3 years in length for general and flag officers and at least 3½ years in length for other officers.

10. Requires the Secretary of Defense to exclude joint training assignments and assignments within the Military Departments in the definition of "joint duty assignment".

11. Specifies that each promotion board, subject to a waiver for the Marine Corps, that will consider officers who have served in joint duty assignments shall include at least one joint duty officer designated by the JCS Chairman.

12. Establishes the following promotion review process for officers who are serving, or have served, in joint duty assignments:

requires the Secretary of Defense to furnish to the Military Departments guidelines to ensure that promotion boards give appropriate consideration to joint duty performance;

directs the JCS Chairman to review promotion board reports before they are submitted to the Secretary of Defense;

authorizes the Secretary of a Military Department, if the JCS Chairman determines that the promotion board acted contrary to the Secretary of Defense's guidelines, to return the report to the promotion board (or a subsequent promotion board) for further proceedings, convene a special promotion board, or take other appropriate action;

directs the Secretary of Defense to take appropriate action to resolve any remaining disagreement between the Secretary of a Military Department and the JCS Chairman.

13. Requires the Secretary of Defense to ensure that the qualifications of officers assigned to joint duty assignments are such that certain promotion rates will be achieved.

14 Requires, subject to a waiver by the Secretary of Defense, that an officer may not be promoted to general or flag rank unless he has served in a joint duty assignment.

15. Requires the JCS Chairman to evaluate the joint duty performance of officers recommended for three- and four-star rank.

16. Requires the Secretary of Defense to advise the President on the qualifications needed by officers to serve in three- and four-star positions.

TITLE V—MILITARY DEPARTMENTS

1. Specifies the responsibilities of the Secretaries of the Military Departments to the Secretary of Defense.

2. Specifies that the functions of the Military Departments are to be carried out so as to fulfill the operational requirements of the unified and specified combatant commands.

3. Makes consistent the appointment and statutory descriptions of the roles and authorities of the Secretaries of the Military Departments, Chiefs of Staff and other officials and officers.

4. Retains the civilian Secretariat and the military headquarters staff as separate staffs in each Military Department.

5. Consolidates sole responsibility for the following functions in each Service Secretariat: acquisition, auditing, comptroller, information management, inspector general, legislative affairs, and public affairs, prohibits the establishment or designation of any office within the military headquarters staffs to conduct any of these functions.

6. Consolidates sole responsibility for research and development in each Service Secretariat but specifies that the Secretaries of the Military Departments may assign to the military headquarters staffs responsibility for those aspects of research and development that relate to military requirements and test and evaluation.

7. Directs the Secretaries of the Military Departments to prescribe the relationship of offices within the Secretariats responsible for these functions to the Chiefs of Staff and the military headquarters staffs.

8. Retains the existing number and statutory titles (including Manpower and Reserve Affairs) of the Services' Assistant Secretaries.

9. Limits each military headquarters staff to five Deputy Chiefs of Staff and three Assistant Chiefs of Staff.

10. Reduces the number of general and flag officers on each military headquarters staff by 15 percent by September 30, 1988.

11. Reduces the number of personnel serving in the Secretariat and military headquarters staff of each Military Department; imposes a cap on such personnel at the reduced levels of September 30, 1988.

12. Requires the Chiefs of Staff to inform the Secretary of their Military Department of military advice rendered by JCS members on matters affecting their Military Departments, to the extent that such action does not impair the independence of the Chiefs of Staff in the performance of their JCS duties.

13. Requires the Chiefs of Staff, subject to the authority, direction, and control of the Secretary of Defense, to keep the Secretary of their Military Department fully informed of significant military operations affecting the duties of the Secretary of their Military Department.

14. Makes the functional assignments of the Navy consistent with those of the other Services by removing the statutory assignment of certain roles and missions (naval reconnaissance, antisubmarine warfare, and protection of shipping).

TITLE VI—MISCELLANEOUS

1. Reduces the number of defense reports required by the Congress from the President and the Defense Department by about two-thirds of the total.

2. Reduces the number of personnel serving on the lower-level headquarters staffs of the Military Departments and the unified and specified combatant commands; imposes a cap on such personnel at the reduced levels of September 30, 1988.

3. Requires the President to submit an annual report to the Congress on the national security strategy of the United States.

DEFENSE DEPARTMENT PERSONNEL REDUCTIONS

The conference substitute amendment reduces the number of military and civilian personnel serving on Defense Department staffs in order to streamline the administrative and operational chains of command.

DOD Element	Total personnel (fiscal year 1986) [1]	Conference reduction	
		Number	Percent/ years
Defense agencies/DOD field activities [2]	98,731	−9,788	−9.9/3
a. HQ element	(3,370)	(−489)	−14.5/3
b. Non-HQ element	(95,361)	(−9,299)	−9.75/3
2. Military departments	10,130	−1,520	−15.0/2
a. Secretariats	(1,544)	(−232)	−15.0/2
b. Military HQs	(8,586)	(−1,288)	(−15.0/2
3. Remaining DOD HQs [3]	52,050	−5,205	−10.0/2
Total	160,911	−16,513	−10.3

[1] All of these personnel figures include both military and civilian personnel.
[2] The conference substitute amendment authorizes the Secretary of Defense to allocate all or part of the reductions specified for the Defense Agencies and DoD Field Activities to other elements of the Defense Department.
[3] The conference substitute amendment exempts the immediate headquarters staffs of the Commanders-in-Chief of the unified and specified combatant commands.

TITLE I—DEPARTMENT OF DEFENSE GENERALLY

SEC. 101. ORGANIZATION OF THE DEPARTMENT OF DEFENSE

Reorganization of Code

The Senate amendment contained a provision (section 104) that would redesignate 16 existing sections of chapter 4 of title 10, United States Code. The Senate amendment contained a provision (section 110) that would reorganize chapter 4, transfer one existing section of chapter 4 to chapter 165, establish a new chapter 171, and transfer five existing sections of chapter 4 to chapter 171.

The House amendment contained no similar provisions.

The House recedes with amendments to:

(1) establish a new chapter 2 (Department of Defense) of title 10;

(2) transfer six existing sections of chapter 4 to chapter 2;

(3) transfer four existing sections of chapter 4 to chapter 3;

(4) establish a new chapter 144 (Oversight of Cost Growth in Major Programs);

(5) transfer four existing sections of chapter 4 to chapter 144;

(6) revise the heading of chapter 3 (General Powers and Functions);

(7) revise the heading of chapter 4 (Office of the Secretary of Defense);

(8) revise existing section 138; and

(9) reorganize chapter 4.

The resulting reorganization of chapters 2, 3, 4, and 144 (including the repeal of section 124 as provided in section 211 of the conference substitute amendment) are shown below with existing section numbers shown in brackets after the new section numbers.

CHAPTER 2—DEPARTMENT OF DEFENSE

Sec.
111. [131.] Executive department.
112. [132.] Department of Defense: seal.
113. [133.] Secretary of Defense.
114. [138.] Annual authorization of appropriations.
115. [138.] Annual authorization of personnel strengths; annual manpower requirements report.
116. [138.] Annual operations and maintenance report.
117. [133a.] Annual report on North Atlantic Treaty Organization readiness.
118. [133b.] Sale or transfer of defense articles: reports to Congress.

CHAPTER 3—GENERAL POWERS AND FUNCTIONS

Sec.
121. [121.] Regulations.
122. [122.] Official registers.
123. [123.] Suspension of certain provisions of law relating to reserve commissioned officers.
[124. [124.] Repealed.]
125. [125.] Functions, powers, and duties: transfer, reassignment, consolidation, or abolition.
126. [126.] Transfer of funds and employees.
127. [140.] Emergency and extraordinary expenses.
128. [140a.] Fund transfers for foreign cryptologic support.
129. [140b.] Prohibition of certain civilian personnel management constraints.
130. [140c.] Authority to withhold from public disclosure certain technical data.

CHAPTER 4—OFFICE OF THE SECRETARY OF DEFENSE

Sec.
131. [None] Office of the Secretary of Defense.
132. [134.] Deputy Secretary of Defense.
133. [134a.] Under Secretary of Defense for Acquisition.
134. [135.] Under Secretary of Defense for Policy.
135. [135.] Director of Defense Research and Engineering.
136. [136.] Assistant Secretaries of Defense.
137. [None] Comptroller.
138. [136a.] Director of Operational Test and Evaluation.
139. [137.] General Counsel.
140. [None] Inspector General.

CHAPTER 144—OVERSIGHT OF COST GROWTH IN MAJOR PROGRAMS

Sec.
2431. [139.] Weapons development and procurement schedules: reports.
2432. [139a.] Selected Acquisition Reports.
2433. [139b.] Unit cost reports.
2434. [139c.] Independent cost estimates.

Composition of the Department of Defense

The Senate amendment contained a provision (section 102) to prescribe the composition of the Department of Defense.

The House amendment contained no similar provision.

The House recedes with an amendment to require the President to notify the Congress within 60 days of establishing or designating an office, agency, activity, or command in the Department of Defense of a kind other than those described in section 111 of title 10 (as redesignated by section 101(a) and amended by section 101(b) of the conference substitute amendment). This requirement would not apply to any office, agency, activity, or command that would be, after establishment or designation, under the control or supervision of any element described in section 111 of title 10.

SEC. 102. POWERS AND DUTIES OF THE SECRETARY OF DEFENSE

The Senate amendment contained a provision (section 103) that would specify the following three additional duties for the Secretary of Defense:

(1) to inform the President, whenever a vacancy in a political position in the Department of Defense occurs, of the qualifications needed by an appointee to carry out effectively the duties and responsibilities of that position;

(2) to provide annually to the Chairman of the Joint Chiefs of Staff (JCS) written policy guidance for the preparation and review of contingency plans; and

(3) to keep the Secretaries of the Military Departments informed on military operations and activities of the Department of Defense that directly affect their responsibilities.

The House amendment contained no similar provision.

The House recedes with two amendments. First, the Secretary of Defense would be required to include in his guidance for the preparation and review of contingency plans the specific force levels and specific supporting resource levels projected to be available for the period of time for which the contingency plans are to be effective. The second amendment would require the Secretary of Defense, with the advice and assistance of the JCS Chairman, to provide annually to the heads of Department of Defense components written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components.

With respect to the additional duty assigned to the Secretary of Defense concerning the qualifications of political appointees, the conferees remain concerned about the lack of sufficient experience and expertise by persons appointed to political positions in the Department of Defense. In a field as complex as national defense, inexperienced political appointees are a fundamental weakness in achieving sound and effective management. Although the executive branch can most effectively solve this problem through its selection process, the Senate conferees agreed to establish and exercise more rigorous confirmation standards

for persons nominated for these political positions.

Section 113(b) of title 10 (as redesignated by section 101 of the conference substitute amendment) provides that:

The Secretary [of Defense] is the principal assistant to the President in all matters relating to the Department of Defense. Subject to the direction of the President and to this title and section 2 of the National Security Act of 1947 (50 U.S.C. 401), he has authority, direction, and control over the Department of Defense.

This current provision ensures that the Secretary has full power over every facet of the Department of Defense. The Secretary has sole and ultimate power within the Department of Defense on any matter on which the Secretary chooses to act. Provisions of the conference substitute amendment refer to various activities as being subject to the powers of the Secretary of Defense, using the phrase "subject to the authority, direction, and control of the Secretary of Defense". The conferees agreed that use of this phrase is solely for purposes of emphasis and that the absence of this phrase elsewhere in the conference substitute amendment is not to be construed as limiting the power of the Secretary under section 113(b) to exercise authority, direction, and control over an activity. Likewise, the conferees agreed that provisions of the conference substitute amendment concerning the decisionmaking process or requiring the Secretary to act with the advice or assistance of another officer or official do not limit the power or responsibility of the Secretary of Defense in the exercise of his authority, direction, and control.

SEC. 103. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO REORGANIZE THE DEPARTMENT OF DEFENSE

The Senate amendment contained a provision (section 101) that would repeal the authority of the Secretary of Defense to change functions, powers, and duties vested by law in the Department of Defense or in an officer, official, or agency of the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

SEC. 104. OFFICE OF THE SECRETARY OF DEFENSE

Senate amendment contained a provision (section 105) that would establish in law the Office of the Secretary of Defense, specify its function and composition, and reenact section 718 and section 136(d) of title 10 as part of this provision.

House amendment contained no similar provision.

The House recedes with two amendments. First, the function of the Office of the Secretary of Defense would be broadened from "to assist the Secretary of Defense in carrying out his duties and responsibilities" to include "and to carry out such other duties as may be prescribed by law." The conferees determined that including the additional phrase reflects more accurately the function of the Office of the Secretary of Defense, especially in light of the broad responsibilities assigned to the Inspector General of the Department of Defense by the Inspector General Act of 1978 (5 U.S.C. App. 3).

The second amendment relates to existing section 718 of title 10 which reads: 13

Officers of the armed forces may be detailed for duty as assistants or personal aides to the Secretary of Defense. However, the Secretary may not establish a military staff other than that [the Joint Chiefs of Staff] established by section 141(a) of this title.

The conferees determined that both sentences of section 718 were ambiguous. To provide necessary clarification, the conferees agreed that section 131(c) of title 10 (as added by section 104 of the conference substitute amendment) should specify that military officers may be assigned or detailed to permanent duty in the Office of the Secretary of Defense and that the Secretary may not establish a military staff in the Office of the Secretary of Defense.

SEC. 105. UNDER SECRETARY FOR POLICY AND DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

The Senate amendment contained a provision (section 106) that would repeal the current prohibition against a person being appointed Under Secretary of Defense for Policy within 10 years after his relief from active duty as a commissioned officer of a regular component of an Armed Force.

The House amendment contained no similar provision.

The Senate recedes. The conferees determined that such a prohibition was an appropriate civilian control mechanism for this important policymaking position. In a related action, the conferees determined to specify a duty for the Under Secretary of Defense for Policy to assist the Secretary of Defense in preparing written policy guidance for the preparation and review of contingency plans and in reviewing such plans. This action by the conference committee reflected continuing concern over the absence of effective civilian oversight of the contingency planning process. The assignment of this duty to the Under Secretary of Defense for Policy is connected to the additional duty regarding guidance for contingency plans that would be assigned to the Secretary of Defense by subsection (g)(2) of section 113 of title 10 (as added by section 102 of the conference substitute amendment).

The Military Retirement Reform Act of 1986 (Public Law 99-348) created the position of Under Secretary of Defense for Acquisition and established the position of Director of Defense Research and Engineering in the same section (section 135) of title 10 in which the position of Under Secretary of Defense for Policy is established. The conferees agreed that the Director of Defense Research and Engineering and the Under Secretary of Defense for Policy should be established in separate sections of title 10. Section 105 of the conference substitute amendment would merely make appropriate technical changes to establish the Under Secretary of Defense for Policy and the Director of Defense Research and Engineering in section 134 and section 135 of title 10, respectively.

The conferees agreed that none of the actions of the conference committee prejudge consideration of the duties of the new Under Secretary of Defense for Acquisition as contained in the versions of the Department of Defense Authorization Act for fiscal year 1987 passed by the Senate on August 9, 1986 (S. 2638) and by the House of Representatives on August 15, 1986 (H.R. 4428).

SEC. 106. ASSISTANT SECRETARIES OF DEFENSE

The Senate amendment contained a provision (section 107) that would repeal the specification in law of the titles and duties of the Assistant Secretary of Defense for Health Affairs; the Assistant Secretary of Defense for Manpower and Logistics; the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence; and the Assistant Secretary of Defense (Comptroller).

The House amendment contained no similar provision.

The House recedes with an amendment to retain the statutory specification of the title and duties of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence. The conferees agreed that this action by the conference committee does not prejudge the statutory specification of the title and duties of an Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, as would be provided by the Department of Defense Authorization Bill for fiscal year 1987 passed by the Senate on August 9, 1986 (S. 2638).

SEC. 107. COMPTROLLER OF THE DEPARTMENT OF DEFENSE

The Senate amendment contained a provision (section 108) that would establish the position of Comptroller of the Department of Defense and would assign to that position the same duties now assigned to the Assistant Secretary of Defense (Comptroller).

The House amendment contained no similar provision.

The House recedes with an amendment to require that the Comptroller of the Department of Defense be appointed by the President, by and with the advice and consent of the Senate. The conferees agreed that the important duties of the Comptroller justify these appointment requirements. While agreeing to establish this position in law, the conferees intend that the President may, in his discretion, designate the Comptroller of the Department of Defense as an Assistant Secretary of Defense.

SEC. 108. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

The Senate amendment contained a provision (section 109) that would recognize in title 10, by a cross reference to the Inspector General Act of 1978 (5 U.S.C. App. 3), the appointment and duties of the Inspector General of the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

SEC. 109. MANAGEMENT STUDIES OF OFFICE OF THE SECRETARY OF DEFENSE

The House amendment contained a provision (section 502) that would require studies of the functions and organization of the Office of the Secretary of Defense by the Secretary of Defense, the Secretary of each Military Department, the JCS Chairman, and an independent contractor.

The Senate amendment contained no similar provision.

The Senate recedes with amendments to require the Secretaries of the Military Departments to conduct a joint study and to revise the matters to be considered by each study. The conferees agreed that the Deputy Secretary of Defense should be responsible for supervising the study by an independent contractor of the Office of the Secretary of Defense.

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS

Section 110 of the conference substitute amendment would amend title 10 to make appropriate conforming and technical changes to implement the actions of the conference committee relating to title I of the conference substitute amendment.

71-059 O-87-32 (Pt. 16)

TITLE II—MILITARY ADVICE AND COMMAND FUNCTIONS

PART A—JOINT CHIEFS OF STAFF

SEC. 201. REVISED FUNCTIONS OF CHAIRMAN; ESTABLISHMENT OF VICE CHAIRMAN

The Senate amendment contained a provision (section 111) that would make several changes in chapter 5 (Joint Chiefs of Staff) of title 10, United States Code.

The House amendment contained several provisions (sections 102 and sections 601-610) that would make similar changes in chapter 5 of title 10.

Sec. 151. Joint Chiefs of Staff: composition; functions

Composition of the Joint Chiefs of Staff

The House amendment contained a provision (section 601) that would specify that the Joint Chiefs of Staff (JCS) are "headed" by the Chairman.

The Senate amendment contained no similar provision.

The Senate recedes.

The Senate amendment contained a provision (section 111) that would designate the Vice Chairman as a member of the JCS.

The House amendment contained a provision (section 606) that would designate the Deputy Chairman as the Director of the Joint Staff.

The Senate recedes with an amendment to delete the designation of the Vice Chairman as the Director of the Joint Staff. Although the Vice Chairman will not be a member of the JCS, the conferees expect him to make an extremely important contribution to the work of the Chairman and the other JCS members. Under section 154(g) of title 10 (as amended by section 201 of the conference substitute amendment), the Vice Chairman outranks all other officers of the Armed Forces except the Chairman. In addition, section 154(d) of title 10 (as amended by section 201 of the conference substitute amendment) assigns the Vice Chairman the duty to act as the Chairman in the absence or disability of the Chairman or in the case of a vacancy in the office of Chairman. The conferees expect that when the Vice Chairman is acting for the Chairman, he shall be considered a full member of the JCS with the duties, authority, responsibilities, and status of the Chairman.

JCS Members as Military Advisers

The Senate amendment contained a provision (section 111) that would designate the members of the JCS as military advisers to the President, the National Security Council, and the Secretary of Defense, "as specified in this section" (section 151 of title 10, as amended by section 111 of the Senate amendment).

The House amendment contained no similar provision.

The House recedes with an amendment to clarify that the phrase "as specified in this section" refers to subsections (d) and (e) of section 151 of title 10, as amended by section 201 of the conference substitute amendment.

JCS as Military Staff to Secretary of Defense

The Senate amendment contained a provision (section 111) that would designate the Joint Chiefs of Staff, assisted by the Joint Staff, as the immediate military staff of the Secretary of Defense.

The House amendment contained no similar provision.

The Senate recedes.

Consultative Duties of the Chairman

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to take the following actions in the course of performing his duties: to convene regular JCS meetings; unless impracticable, to consult with and seek the advice of the other JCS members; and, when appropriate, to consult with and seek the advice of the unified and specified combatant commanders.

The House amendment contained a similar provision (section 601) that would require the JCS Chairman to perform his duties in consultation, as appropriate, with the other JCS members and with the unified and specified combatant commanders.

The Senate recedes with an amendment to require the Chairman to convene regular JCS meetings. The conferees intend that the Chairman shall consult, unless impracticable, with the other JCS members on issues which he judges to be of major importance. On matters that the Chairman considers to be of lesser significance, the conferees expect him to consult, when he considers appropriate, with the other members of the Joint Chiefs of Staff.

Chairman to Present Range of Advice

The House amendment contained a provision (section 606) that would amend existing section 142(b)(3) of title 10 to require the JCS Chairman to inform the Secretary of Defense, and, when the President or the Secretary of Defense considers it appropriate, the President, of the military advice of the JCS as a body on those matters for which advice is requested by the President or the Secretary of Defense (including advice on matters on which JCS members have not agreed).

The Senate amendment contained no similar provision.

The Senate recedes with two amendments. First, the Chairman is required, as he considers appropriate, to inform the President, the National Security Council, or the Secretary of Defense of the range of military advice and opinion on a matter for which advice has been requested. Second, the relationship of this provision to section 151(d) of title 10 (as amended by section 201 of the conference substitute amendment) is clarified. The conferees do not intend to alter the responsibility of the Chairman to submit other JCS members' dissenting views (under section 151(d) of title 10, as amended by section 201 of the conference substitute amendment) by giving the Chairman discretion in informing senior civilian officials of the range of military advice.

Dissenting Views of JCS Members

The Senate amendment contained a provision (section 111) that would authorize any JCS member to submit advice in disagreement or in addition to the advice provided by the Chairman to the President, the National Security Council (NSC), or the Secretary of Defense. If a member submits such advice, the Chairman would be required to present that advice at the same time he presented his own advice to the President, the NSC, or the Secretary of Defense.

The House amendment contained a similar provision (section 606).

The House recedes with an amendment to ensure that the dissenting views of other JCS members will not unduly delay the presentation of the Chairman's advice.

JCS Members' Advice Upon Request

The Senate amendment contained a provision (section 111) that would direct JCS members (other than the Chairman), in their capacity as military advisers, to provide advice on a particular matter in response to a request from the President, the National Security Council, or the Secretary of Defense.

The House amendment contained a similar provision (section 606) that would direct the JCS, as a body, to provide advice to the President and the Secretary of Defense on matters for which such advice was requested.

The House recedes with an amendment to require the members of the JCS, individually or collectively, in their capacity as military advisers, to provide advice to the President, the NSC, or the Secretary of Defense on a particular matter whenever it is requested.

Sec. 152. Chairman: appointment; rank

Term of the JCS Chairman

The Senate amendment contained a provision (section 111) that would authorize the President to appoint the JCS Chairman to three 2-year terms.

The House amendment contained a provision (section 605) that would authorize the President to appoint the JCS Chairman to two 4-year terms.

The House recedes.

The Senate amendment contained a provision (section 111) that would specify that the term of the JCS Chairman would expire not later than 6 months after the beginning of a new Presidency. The purpose of this requirement was to give a newly elected President an automatic opportunity to retain or release the military officer who would serve as his principal military adviser.

The House amendment contained a provision (section 605) that would specify that, if a JCS Chairman did not complete his term, his successor would serve only for the remainder of the unexpired term.

The Senate recedes with the following two amendments: to specify that the Chairman's term will begin on October 1st of odd-numbered years, and to clarify that a successor to a Chairman who failed to complete his term may be reappointed to two 2-year terms.

The House amendment contained a provision (section 605) that would specify that the first appointment of a JCS Chairman made on or after the date of enactment of the House amendment would be for a term ending on June 30, 1990.

The Senate amendment contained no similar provision.

The House recedes.

Combined Service as Chairman and Vice Chairman

The Senate amendment contained a provision (section 111) that would limit to 6 years the combined length of time that a military officer could serve as JCS Chairman and Vice Chairman. The President would be authorized to extend this limitation to 8 years if he determined such action was in the national interest.

The House amendment contained no similar provision.

The House recedes.

Qualifications for Appointment as JCS Chairman

The Senate amendment contained a provision (section 111) that would require, subject to a waiver by the President, that JCS members have served in at least one joint duty position for a substantial period of time before their assignment to the JCS.

The House amendment contained a provision (section 301) that would require that, whenever practicable, an officer recommended to the President for appointment as JCS Chairman have served as a Chief of

Service or as a unified or specified combatant commander.

The Senate recedes with an amendment to require, subject to a waiver by the President, that the Chairman have served as the Vice Chairman, a Service Chief, or a unified or specified combatant commander before his appointment.

Grade of the JCS Chairman

The Senate amendment contained a provision (section 111) that would specify that the JCS Chairman, while so serving, holds the grade of general or admiral.

The House amendment contained no similar provision.

The House recedes.

Sec. 153. Chairman: functions

Duties of the JCS Chairman

Both the Senate and House amendments would make several changes in the duties assigned to the Joint Chiefs of Staff and would transfer responsibility for those duties, as amended, to the JCS Chairman.

The Senate amendment contained a provision (section 111) that would amend existing section 141(c)(1) of title 10 to require the JCS Chairman to prepare strategic plans to provide for the strategic direction of the armed forces, including plans which conform with resource levels projected by the Secretary of Defense.

The House amendment contained no similar provision. Therefore, it would assign to the Chairman the duty prescribed by existing section 141(c)(1) of title 10 to prepare strategic plans and provide for the strategic direction of the armed forces.

The House recedes with an amendment to provide that the JCS Chairman shall assist the President and the Secretary of Defense in providing for the strategic direction of the armed forces.

The Senate amendment contained a provision (section 111) that would amend existing section 141(c)(2) of title 10 to clarify that the purpose of the joint logistic and mobility plans prepared by the JCS Chairman would be to support contingency plans.

The House amendment contained no similar provision.

The House recedes with an amendment to broaden the purpose to include strategic plans as well as contingency plans.

The House amendment contained a provision (section 102) that would require the JCS Chairman to perform net assessments.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees agreed to direct that, in conducting net assessments, the JCS Chairman shall include the wartime capabilities of the U.S. Coast Guard.

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to provide for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense.

The House amendment contained no similar provision.

The House recedes.

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to advise the Secretary of Defense on critical deficiencies and strengths in force capabilities which are identified during the preparation and review of contingency plans. The Chairman would then be required to assess the effect of such deficiencies and strengths on meeting national security objectives and on strategic plans.

The House amendment contained no similar provision.

The House recedes.

The House amendment contained a provision (section 102) that would require the JCS Chairman to establish and maintain a uniform system of evaluating the preparedness of the unified and specified combatant commands.

The Senate amendment contained no similar provision.

The Senate recedes.

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to advise the Secretary of Defense on the extent to which the annual program recommendations and budget proposals of components of the Defense Department conform with strategic priorities and the unified and specified combatant commanders' operational requirements.

The House amendment contained a provision (section 102) that would specify two duties for the JCS Chairman. First, the Chairman would submit to the Secretary of Defense an annual recommendation for the broad allocation of defense resources based upon the Secretary's guidance, the unified and specified combatant commanders' recommendations, and the recommendations of other Defense Department components.

Second, the Chairman would recommend to the Secretary of Defense the changes that would be necessary to make the program objectives and budget proposals of the Military Departments and the combat support agencies consistent with the Chairman's recommendation for the broad allocation of defense resources.

The House recedes with two amendments. First, the Chairman is required to advise the Secretary of Defense on the priorities of the requirements identified by the unified and specified combatant commanders.

Second, the Chairman is required to submit to the Secretary of Defense alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities established in strategic plans and with the priorities established for the unified and specified combatant commanders' requirements.

The House amendment contained a provision (section 102) that would require the JCS Chairman to recommend to the Secretary of Defense a budget for each unified and specified combatant command.

The Senate amendment contained no similar provision.

The Senate recedes.

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to assess joint military requirements for defense acquisition programs.

The House amendment contained no similar provision.

The House recedes with an amendment to broaden the duty to encompass all military requirements. Despite the broad nature of this responsibility, the conferees strongly believe that the Chairman should not be required to spend too much time and energy on the acquisition of defense systems. The Chairman's unique role in planning and operational matters is far too important to allow him to be preoccupied with acquisition issues. The conferees' only purpose in broadening his duty to assess military requirements is to give the Chairman and the Secretary of Defense flexibility in delineating the Chairman's role in the acquisition process.

The House amendment contained a provision (section 102) that would require the JCS Chairman to monitor the extent to which each Military Department provided officers for joint duty assignments.

The Senate amendment contained no similar provision.

The Senate recedes with amendments to clarify the information required on each Military Department's share of joint duty assignments and to transfer this provision to section 667 of title 10, as added by section 401 of the conference substitute amendment.

Report on the Services' Roles and Missions

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to submit a periodic report to the Secretary of Defense on the assignment of functions or roles and missions to the four military Services.

The House amendment contained no similar provision.

The House recedes.

Sec. 154. Vice Chairman

Title of the Vice Chairman

The Senate amendment contained a provision (section 111) that would establish the position of Vice Chairman of the Joint Chiefs of Staff.

The House amendment contained a provision (section 606) that would establish the position of Deputy Chairman of the Joint Chiefs of Staff.

The House recedes.

Term of the Vice Chairman

The Senate amendment contained a provision (section 111) that would authorize the President to appoint the Vice Chairman to three 2-year terms.

The House amendment contained a provision (section 606) that would authorize the President to appoint the Deputy Chairman to two 4-year terms.

The House recedes.

Duties of the Vice Chairman

The Senate and House amendments contained identical provisions (sections 111 and 606, respectively) that would require the Vice Chairman to perform the duties delegated by the Chairman with the approval of the Secretary of Defense.

Like the duties of other deputy officials and officers in the Defense Department, those of the Vice Chairman would not be specified by title 10. Subject to the approval of the Secretary of Defense, the Chairman would enjoy substantial flexibility in determining the duties of the Vice Chairman.

Despite this broad grant of authority, the conferees strongly believe that the Vice Chairman, like the Chairman, should not be required to participate too deeply in the defense acquisition process. Instead, the Vice Chairman should assist the Chairman in carrying out the significant responsibilities he already bears as well as the many new ones assigned by this conference substitute amendment. In particular, the Chairman performs unique planning and advisory duties (including representing the interests of the unified and specified combatant commanders) that would greatly benefit from the assistance of the Vice Chairman.

Qualifications for Appointment as Vice Chairman

The Senate amendment contained a provision (section 111) that would require, subject to a waiver by the President, that JCS members (including the Vice Chairman) have served in at least one joint duty posi-

tion for a substantial period of time before their assignment to the JCS.

The House amendment contained no similar provision for the Vice Chairman.

The House recedes with an amendment to require, subject to a waiver by the President, that the Vice Chairman have the joint specialty (established in title IV of the conference substitute amendment) and have served in at least one joint duty assignment as a general or flag officer before his appointment. In addition, the conferees provided, in section 204 of the conference substitute amendment, a transition provision for use by the President before full application of these new requirements.

Vice Chairman as the Acting Chairman

The Senate amendment contained a provision (section 111) that would provide that the Vice Chairman, unless otherwise directed by the President or Secretary of Defense, would act for the Chairman when there was a vacancy in the office of Chairman or in the absence or disability of the Chairman.

The House amendment contained an identical provision (section 606), except that it did not include authority for the President or Secretary of Defense to direct that the Vice Chairman would not act for the Chairman in his absence.

The Senate recedes with an amendment to direct the President to designate a JCS member to act for the Chairman if both the Chairman and Vice Chairman should be absent or disabled.

Sec. 155. Joint Staff

Assistance to the Chairman and Other JCS Members

The Senate amendment contained a provision (section 111) that would specify that, subject to the authority, direction, and control of the Chairman, the Joint Staff would assist the Chairman and the other JCS members in carrying out their responsibilities.

The House amendment contained no similar provision.

The House recedes with an amendment to specify that the Joint Staff is to assist the Vice Chairman, as well as the Chairman and the other JCS members, in carrying out his responsibilities.

Selection of the Director of the Joint Staff

The Senate amendment contained a provision (section 111) that would authorize the JCS Chairman to select the Director of the Joint Staff.

The House amendment contained no similar provision.

The House recedes.

Management of the Joint Staff

The Senate amendment contained a provision (section 111) that would specify that the JCS Chairman would manage the Joint Staff and its Director.

The House amendment contained no similar provision.

The House recedes.

Duties and Staffing Procedures of the Joint Staff

The Senate amendment contained a provision (section 111) that would require the Joint Staff to perform the duties prescribed by the JCS Chairman under such procedures as he directed.

The House amendment contained a provision that would require the Joint Staff to perform the duties prescribed by the Chairman.

The House recedes.

Operation of the Joint Staff

The House amendment contained a provision (section 607) that would require the Secretary of Defense to ensure that the Joint Staff was independently organized and operated so that it could support the JCS Chairman in meeting the congressional purpose set forth in the National Security Act of 1947.

The Senate amendment contained no similar provision.

The Senate recedes.

Organization of the Joint Staff Along Conventional Staff Lines

The Senate amendment contained a provision (section 111) that would amend existing section 143(d) of title 10 to authorize the Joint Staff to be organized and operated along conventional staff lines to support the JCS Chairman and the other JCS members in discharging their responsibilities.

The House amendment contained an identical provision (section 607), except that it referred only to the Chairman (and not to the other JCS members as well).

The Senate recedes with an amendment to delete the reference to the support that the Joint Staff is to provide the Chairman. The conferees determined that this provision need not specify that the Joint Staff is to support the Chairman or the other JCS members because that function is already specified in section 155(a) of title 10 (as amended by section 201 of the conference substitute amendment). Instead, the primary purpose of this provision is to prohibit the Joint Staff from exercising executive authority and from being organized and operated as a General Staff. These prohibitions are fully preserved in the conferees' action.

Authority to Suspend Joint Staff Officers

As part of the action of the conference committee on part B of title II of the conference substitute amendment, the conferees agreed to authorize the commander of a unified or specified combatant command to suspend from duty and recommend the reassignment of any officer within his command. The conferees believe that the JCS Chairman should be able to exercise similar authority over Joint Staff officers.

Therefore, the conferees agreed to clarify existing section 143(a)(3) of title 10 to authorize the Chairman to suspend from duty and recommend the reassignment of any officer assigned to the Joint Staff. However, the conferees agreed that procedures required by this provision pertain solely to the relationships between the Chairman and the Military Department concerned with respect to service by an officer on the Joint Staff. The conferees agreed that nothing in this provision confers on an officer assigned to the Joint Staff any procedural rights concerning suspension from duty or reassignment.

Organization of the Joint Staff to Perform Net Assessments

The House amendment contained a provision (section 102) that would require the JCS Chairman to ensure that the Joint Staff was organized and staffed so as to enable the Chairman to perform net assessments.

The Senate amendment contained no similar provision.

The House recedes. The conferees did not believe it was necessary to specify in statute that the JCS Chairman should ensure that the Joint Staff is capable of assisting him in performing net assessments. Section 201 of the conference substitute amendment includes the performance of net assessments among the duties of the Chairman. Therefore, the conferees fully expect the Chairman to organize and operate the Joint Staff so that it is able to assist him in carrying out this important responsibility.

Limitation on Size of Joint Staff

The Senate amendment contained a provision (section 111) that would impose, as of October 1, 1988, a limitation of 1,617 on the number of civilian and military personnel serving on the Joint Staff. The Joint Staff would be defined to include all civilian and military personnel assigned or detailed to permanent duty to assist the JCS Chairman and Vice Chairman in carrying out their responsibilities and to assist the other JCS members in carrying out their JCS responsibilities.

The House amendment contained no similar provision. Therefore, it would continue the limitation specified in existing section 143(a)(1) of title 10 of 400 officers on the size of the Joint Staff (without defining the Joint Staff).

The House recedes with the following two amendments: to set the limitation at 1,627 and to clarify the definition of the Joint Staff to include only those personnel assigned or detailed to permanent duty in the executive part of the Defense Department to perform the Joint Staff functions and duties prescribed under sections 155 (a) and (c) of title 10, as amended by section 201 of the conference substitute amendment.

Report on Further Changes

The House amendment contained a provision (section 610) that would require the Secretary of Defense to submit a report to the Congress on the manner in which several changes to the JCS system, the unified and specified combatant commands, and the management of joint duty officers could be implemented.

The Senate amendment contained no similar provision.

The House recedes. Most of the matters that would have been included in the Secretary's report are addressed elsewhere in the conference substitute amendment.

SEC. 203. PARTICIPATION IN NATIONAL SECURITY COUNCIL MEETINGS

The House amendment contained a provision (section 609) that would require the JCS Chairman, subject to the direction of the President, to attend meetings of the National Security Council (NSC) and would authorize the Chairman, as directed by the President, to participate in its deliberations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to authorize the Chairman, in his role as the principal military adviser to the NSC and subject to the direction of the President, to attend and participate in NSC meetings.

SEC. 204. TRANSITION

Preparedness Evaluation System

As part of the action of the conference committee on section 153(a)(3)(D) of title 10 (as added by section 201 of the conference substitute amendment), the conferees agreed to require that the uniform system of evaluating the preparedness of the unified and specified combatant commands be established not later than 1 year after the date of enactment.

Date for First Report on Services' Roles and Missions

The Senate amendment contained a provision (section 111) that would require the Chairman to submit his first report on the military Services' roles and missions not later than 1 year after the date of enactment.

The House amendment contained no similar provision.

The House recedes with an amendment to require the first report to be submitted 2 years after the date of enactment.

Waiver of Qualifications for Appointment as Vice Chairman

As part of the action of the conference committee on section 154(b) of title 10 (as added by section 201 of the conference substitute amendment), the conferees agreed to authorize the President to waive the qualifications for appointment as the JCS Vice Chairman during a transition period before full application of the requirements of section 154(b). Under section 204(c) of the conference substitute amendment, the President would be authorized to waive:

(1) for a 2-year period after enactment, the requirement that the Vice Chairman have the joint specialty;

(2) for a 4-year period after enactment, the requirement that the Vice Chairman have served in a joint duty assignment for 3 years if the Vice Chairman has served in such an assignment for not less than 2 years; and

(3) for a 4-year period after enactment, the requirement that the Vice Chairman have served in a joint duty assignment as a general or flag officer if the Vice Chairman served as a general or flag officer in an assignment that was considered a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

Although section 154(b)(2) of title 10 (as added by section 201 of the conference substitute amendment) provides the President with authority to waive the requirements for appointment as the Vice Chairman, the conferees agreed to provide a specific waiver for a limited transition period so that the exercise of a Presidential waiver, as would be required in the immediate future, would not become standard practice. After the transition period, the conferees expect the President to exercise his permanent waiver authority only in an extremely limited number of cases and only for officers of exceptional talent who may fail to meet the specified criteria.

PART B—COMBATANT COMMANDS

SEC. 211. ESTABLISHMENT OF COMBATANT COMMANDS AND AUTHORITY OF COMMANDERS

Sec. 161. Combatant commands: establishment

Review of Combatant Command Structure

The Senate amendment contained a provision (section 112) that would require the President to review periodically, but not less often than every 2 years, the missions, tasks, responsibilities (including geographic boundaries), and force structure of each unified and specified combatant command and to make whatever revisions are necessary to respond to changing conditions.

The House amendment contained a provision (section 101) that would require the JCS Chairman periodically (not less often than every other year) to review the overall structure of the combatant commands and to recommend to the President, through the Secretary of Defense, any changes that the Chairman considers necessary or appropriate.

The Senate recedes.

The Senate amendment contained a provision (section 112) that would require the President to notify Congress, except during time of hostilities, at least 60 days before establishing a new combatant command or before significantly revising the missions, tasks, responsibilities, or force structure of an existing combatant command.

The House amendment contained a provision (section 101) that would require the President to inform Congress promptly of any action taken in response to recommendations made by the Chairman.

The House recedes with an amendment to require the Presidential notification at least 60 days after establishing a new combatant command or after significantly revising the missions, responsibilities, or force structure of an existing combatant command.

The Senate amendment contained a provision (section 112) that would define four terms for chapter 6 of title 10: unified combatant command, specified combatant command, combatant command, and combatant forces.

The House amendment contained no similar provision.

The House recedes with an amendment to delete the definition of the term "combatant force" which is not used in chapter 6 of title 10 (as provided by the conference substitute amendment).

Social Combatant Commands

The House amendment contained a provision (section 101) that would authorize the President to establish special combatant commands if the President determined that the situation warranted such a force to perform a specific military mission. This provision would also require the President to prescribe the shortest practicable chain of command for each force deployed consistent with proper supervision and support.

The Senate amendment contained no similar provision.

The House recedes. The conferees agreed that the President already has authority, as Commander in Chief, to establish such special combatant commands and to prescribe their chains of command. The conferees do believe that considerable study of how the President can more effectively use such authority in crises is needed. The role of the President and the Secretary of Defense in crises during the last 30 years has been inconsistent. In some instances, the President and the Secretary have failed to take prompt action to ensure the effective organization, employment, direction, and control of U.S. military forces committed to combat operations. As a consequence, streamlined command arrangements and other necessary adjustments tailored to the situation have not been established. In other instances, the President and the Secretary have been over-involved and have engaged in unnecessary micro-management of tactical operations.

The conferees agreed that there is a genuine requirement for effective Presidential control in efforts to manage certain crises, especially those with the potential for superpower confrontation. In today's international security environment, in which both the United States and the Soviet Union possess substantial nuclear arsenals and in which the two superpowers are locked in competition either directly or indirectly in numerous world areas, the need to manage and terminate confrontations before they escalate to war has become increasingly important.

To begin the necessary study of how the President can more effectively manage crises, the conferees agreed to direct that the initial review of the combatant commands (Unified Command Plan), as required by section 212 of the conference substitute amendment, should develop procedures by which the President could systematize his evaluation of command arrangements, including the chain of command. Such procedures should produce more effective responses to, and management of, any crisis, however unique, that may occur.

Sec. 162. Combatant commands: assigned forces; chain of command

Assignment of Forces

The Senate amendment contained a provision (section 112) that would require all combatant forces of the Military Departments to be assigned to combatant commands, unless otherwise directed by the Secretary of Defense. This provision would also require each Secretary of a Military Department, with the approval of the Secretary of Defense and consistent with the force structure prescribed by the President for each combatant command, to assign combatant forces of his Military Department to combatant commands.

The House amendment contained a provision (section 101) that would require the Secretaries of the Military Departments to assign all forces under their jurisdiction, except for forces assigned to the recruiting, organizing, training, or supplying of the armed forces, to combatant commands. This provision would also require such assignments to be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned. In addition, this provision would specify that a force not assigned to a combatant command remains in the Military Department concerned.

The Senate recedes with amendments to: (1) require the Secretary of Defense to ensure that assignments of forces to combatant commands are consistent with the force structure prescribed by the President; (2) provide that forces required to be assigned to combatant commands do not include forces assigned to carry out the functions of the Secretaries of the Military Departments; and (3) delete the specification that a force not assigned to a combatant command remains in the Military Department concerned. The conferees agreed to the third amendment because this specification was unnecessary.

The House amendment contained a provision (section 101) that would require the commanders of combatant commands (hereafter referred to as "combatant commanders") and the Secretaries of the Military Departments, as directed by the Secretary of Defense, to assign forces under their jurisdiction to special combatant commands.

The Senate amendment contained no similar provision.

The House recedes.

The House amendment contained a provision (section 101) that would provide, unless otherwise directed by the Secretary of Defense, that all forces operating within the geographic area of a unified combatant command would be assigned to and under the command of the commander of that command. This provision would also provide that this requirement would apply to forces of specified or special combatant commands

only as prescribed by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to delete the portion of the House provision relating to special combatant commands.

Chain of Command

The Senate amendment contained a provision (section 112) that would specify that, unless otherwise directed by the President, the chain of command for the operational direction of the combatant commands runs from the President to the Secretary of Defense to the combatant commanders. This provision would also authorize, subject to the limitations that the JCS Chairman may not exercise military command over the Joint Chiefs of Staff or any of the armed forces, the President or the Secretary of Defense to direct communications from the Secretary of Defense to the combatant commanders to run through the JCS Chairman.

The House amendment contained a provision (section 603) that would authorize the President or Secretary of Defense to direct that the national military chain of command runs to the combatant commanders through the JCS Chairman.

The House recedes with three amendments. First, the phrase "for the operational direction" would be dropped from the description of the chain of command. The conferees agreed that this phrase may serve as an unintended limitation or may cause confusion. The second amendment would authorize only the President to direct that communications between the President or the Secretary of Defense and the combatant commanders be transmitted through the JCS Chairman. The third amendment would authorize the President to assign duties to the Chairman to assist the President and Secretary of Defense in performing their command function.

The conferees agreed that the JCS Chairman should not be, or appear to be, placed in the chain of command. Moreover, the conferees determined that the extremely important chain of command to the warfighting commands should be clearly prescribed. Without infringing upon the President's authority as Commander in Chief to direct otherwise, the conference substitute amendment would specify the normal chain of command that the Congress finds to be preferable in terms of meeting national security needs and preserving civilian control of the military.

At the same time, the conferees agreed that the President and the Secretary of Defense will need the assistance of the JCS Chairman in exercising their command function. The conference substitute amendment would authorize the President to direct communications to and from the combatant commanders to be transmitted through the JCS Chairman and to assign duties to the JCS Chairman to assist the President and Secretary of Defense. Should such communications run through the JCS Chairman, the orders that come from the Chairman must be initiated by, authorized by, and in the name of the President or the Secretary of Defense. Even if the President should exercise these authorities, the conferees intend that (1) the JCS Chairman would not be part of the chain of command, and (2) the chain of command would not run through the JCS Chairman. The conferees determined that the role of the JCS Chairman regarding operational matters must be carefully prescribed in order to ensure the absolute and unquestioned integrity of the fundamental principle of civilian control of the military.

Sec. 163. Role of Chairman of Joint Chiefs of Staff

The Senate amendment contained a provision (section 112) that would authorize the Secretary of Defense to assign responsibility to the JCS Chairman for overseeing the activities of the combatant commands. This provision would also specify that such an assignment to the JCS Chairman, however, would not (1) confer any command authority, or (2) alter the direct responsibility of the combatant commanders to the Secretary of Defense.

The House amendment contained a provision (section 101) that would specify that the JCS Chairman, subject to the authority, direction, and control of the Secretary of Defense, supervises the combatant commanders.

The House recedes. The conferees agreed that this authority would provide the Secretary of Defense with a means of providing for the more effective control and coordination of the combatant commands. Because the Secretary's span of control is great and the time that he can devote to supervisory activities is limited, the conferees believe that the JCS Chairman could usefully assist the Secretary in overseeing the combatant commands.

The conferees have purposely framed this provision to allow the Secretary of Defense complete latitude in defining the JCS Chairman's oversight role. The conferees believe that the Chairman's oversight of the combatant commanders should assume whatever character the Secretary of Defense considers appropriate. The conferees intend that the Chairman act only as the Secretary's agent in exercising oversight; that is, for and on behalf of the Secretary, and only by his authority. The conferees contemplate, however, that the Secretary would employ the Chairman in oversight capacities such as coordinating matters that involve two or more combatant commanders, directing the combatant commanders' submissions of requirements, overseeing the state of readiness of each combatant command, and verifying the execution of orders issued by the President and the Secretary of Defense.

The Senate amendment contained a provision (section 112) that would reenact with amendments subsection (c)(2) of the current section 124 of title 10 that designates the JCS Chairman, subject to the authority, direction, and control of the Secretary of Defense, as the spokesman for the combatant commanders on their operational requirements. This provision would specify activities of the JCS Chairman in performing his responsibility as spokesman for the combatant commanders.

The House amendment contained a provision (section 101) that would provide that the JCS Chairman, subject to the authority, direction, and control of the Secretary of Defense, is the spokesman of the commanders of the combatant commands at the seat of Government.

The House recedes with an amendment to provide that the JCS Chairman will serve as the spokesman for the combatant commanders on all requirements of their commands, but especially on operational requirements.

Sec. 164. Commanders of combatant commands: assignment; powers and duties

Assignment of Combatant Commanders

The Senate amendment contained a provision (section 112) that would provide that the President may assign to serve as commanders of unified combatant commands only officers who have served in one or more joint duty positions for a substantial period of time. This provision would also provide a Presidential waiver of this requirement in the case of any officer if the President determines that such action is necessary in the national interest.

The House amendment contained a provision (section 301) that would require the Secretary of Defense to establish policies to ensure, whenever practicable, the application of certain criteria to the selection of an officer for recommendation to the President for assignment as the commander of a unified or specified combatant command. The specified criteria would be that the officer have the joint specialty (as provided in section 301 of the House amendment) and have had at least one joint duty assignment as a general or flag officer.

The Senate recedes with amendments to require that the President may assign an officer to serve as a combatant commander only if he meets the criteria specified in the House provision, to provide a Presidential waiver of this requirement if the President determines that such action is necessary in the national interest, and to provide an appropriate transition provision for use by the President before full application of these new requirements. The transition provision is provided in section 214 of the conference substitute amendment.

Responsibilities of Combatant Commanders

The Senate amendment contained a provision (section 112) that would specify that each combatant commander performs his duties under the authority, direction, and control of the Secretary of Defense and is directly responsible to the Secretary for the performance of his command and its preparedness to execute assigned missions.

The House amendment contained no similar provision.

The House recedes with amendments to specify that, subject to the direction of the President, the combatant commander performs his duties and is responsible as provided in the Senate provision and to delete the portion of the Senate provision relating to "the performance of his [combatant commander's] command." The conferees agreed to the second amendment because a combatant commander is responsible to both the President and the Secretary of Defense for the performance of his command as provided in section 164(b)(1) of title 10 (as added by section 112 of the conference substitute amendment).

The Senate amendment contained a provision (section 112) that would prescribe the basic responsibilities of each combatant commander concerning maintaining security, carrying out missions, and assigning tasks to, and directing coordination among, his subordinate commanders.

The House amendment contained no similar provision.

The Senate recedes. The conferees determined that these basic responsibilities would be more appropriately prescribed by administrative regulation.

Command Authority of Combatant Commanders

The Senate amendment contained a provision (section 112) that would assign to each combatant commander the following authority over forces assigned to his command:

(1) exercising full operational command over assigned forces, including all aspects of military operations and joint training.,

(2) prescribing the chain of command to, and organizational relationship among, the commands and forces within the command; and

(3) coordinating and approving, as assigned by the Secretary of Defense after consultation with the Secretaries of the Military Departments and the combatant commander, those aspects of administration and support necessary for accomplishment of the missions assigned to the command.

The House amendment contained a provision (section 101) that would assign to each combatant commander the following authority over forces assigned to his command:

(1) exercising command over assigned forces, meaning the authority to give authoritative direction to subordinate forces necessary to accomplish assigned missions;

(2) training assigned forces; and

(3) employing assigned forces to accomplish assigned missions.

The conferees determined that neither the term "full operational command" nor the term "command", as currently used within the Department of Defense, accurately described the authority that combatant commanders need to carry out effectively their duties and responsibilities. Accordingly, the conferees agreed to avoid the use of either term in the conference substitute amendment, but instead to specify the authority that the conferees believe a combatant commander needs.

The conference substitute amendment would provide that, unless otherwise directed by the President or the Secretary of Defense, the authority, direction, and control of the combatant commander over assigned commands and forces would include the command functions of:

(1) giving authoritative direction to subordinate commands and forces necessary to carry out assigned missions, including authoritative direction over all aspects of military operations, joint training, and logistics;

(2) prescribing the chain of command to the commands and forces within the command;

(3) organizing commands and forces within the command as he considers necessary to carry out assigned missions;

(4) employing forces within the command as he considers necessary to carry out assigned missions;

(5) assigning command functions to subordinate commanders;

(6) coordinating and approving those aspects of administration and support (including control of resources and equipment, internal organization, and training) and discipline necessary to carry out assigned missions; and

(7) exercising the authority with respect to selecting subordinate commanders, selecting combatant command staff, suspending subordinates, and convening courts-martial, provided, respectively, in subsections (e), (f), and (g) of section 164 of title 10 (as added by section 211 of this conference substitute amendment) and in section 822(a) of title 10 (as amended by section 211 of the conference substitute amendment).

The House amendment contained a provision (section 101) that would require the Secretary of Defense to ensure that combatant commanders have sufficient authority over assigned forces to exercise effective command over those forces.

The Senate amendment contained no similar provision.

The Senate recedes with two amendments. First, the Secretary of Defense is to ensure, after consultation with the JCS Chairman, that the combatant commander has sufficient authority, direction, and control over both assigned commands and forces. The second amendment would require the Secretary of Defense to review periodically and, after consultation with the Secretaries of the Military Departments, the JCS Chairman, and the combatant commander, assign authority to the combatant commander for those aspects of administration and support that the Secretary considers necessary to carry out assigned missions.

The House amendment contained a provision (section 101) that would require a combatant commander to inform the Secretary of Defense promptly if at any time he considers his authority to be insufficient.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority over Subordinate Commanders

The Senate amendment contained a provision (section 112) that would provide, unless directed otherwise by the President or the Secretary of Defense, that commanders of commands and forces assigned to a combatant command are under the authority, direction, and control of, and are responsible to, the combatant commander on all matters for which he has been assigned full operational command or other authority.

The House amendment contained no similar provision.

The House recedes with an amendment to delete "full operational command or other authority" and substitute "authority under subsection (c)" of section 164 of title 10 (as added by section 211 of the conference substitute amendment).

The Senate amendment contained a provision (section 112) that would authorize, unless directed otherwise by the President or the Secretary of Defense, a combatant commander (1) to establish procedures for the communications of his subordinate commanders with other elements of the Department of Defense on any matter for which he has been assigned full operational command or other authority, and (2) to direct that he be advised of all other communications by his subordinate commanders.

The House amendment contained no similar provision.

The House recedes with amendments to delete "full operational command or other authority" and substitute "authority under subsection (c)" of section 164 of title 10 (as added by section 211 of the conference substitute amendment) and to make these requirements apply to communications to and from the subordinate commanders.

Selection of Subordinate Commanders

The Senate amendment contained a provision (section 112) that would require that the selection of a directly subordinate commander be made only with the concurrence of a combatant commander. This provision would authorize the Secretary of Defense to waive this requirement if he determines such action is necessary in the national interest.

The House amendment contained a provision (section 101) that would require the selection or the selection for recommendation to the President of a principal subordinate officer to be made by the combatant commander. The selection would be made from a list of officers submitted by the Secretary of the Military Department concerned, with the number of officers on such list to be specified by the combatant commander.

The House recedes with an amendment to require the concurrence of the combatant commander in the assignment or recommendation for assignment of an officer as a directly subordinate commander. The distinction between "assignment" and "recommendation for assignment" is necessary because 3- and 4-star officers are nominated by the President (under section 601 of title 10) to positions of importance and responsibility and are subject to confirmation by the Senate for service in those positions. Only after confirmation by the Senate are these officers actually "assigned" to their positions. Thus, for those positions, the officer is not directly assigned, but instead, is recommended to the President for assignment.

In agreeing to this provision, the conferees intend that the subordinate commanders perceive the combatant commander, rather than officers in the Military Departments, as the superior whom they serve. The requirement for concurrence should be exercised by a combatant commander to demonstrate unequivocably that he is the "hiring" authority.

The Senate amendment contained a provision (section 112) that would require a combatant commander to evaluate the duty performance of each directly subordinate commander. The evaluation would be submitted to the Secretary of the Military Department concerned.

The House amendment contained no similar provision.

The House recedes with an amendment to require each evaluation to be submitted to the JCS Chairman as well as to the Secretary of the Military Department concerned. The conferees intend that each evaluation of a directly subordinate commander submitted by a combatant commander to the Secretary of a Military Department concerned shall be made a part of the personnel record of the subordinate commander.

Combatant Command Staff

The Senate amendment contained a provision (section 112) that would require each unified combatant command to have a joint staff with officers in key positions of responsibility from each Military Department having forces assigned to the command.

The House amendment contained no similar provision.

The House recedes with two amendments. The first House amendment requires the specified combatant commands to have such a staff as well. This provision of the conference substitute amendment does not use the term "joint staff" as was used in the Senate amendment. Because the House amendment broadened this provision to include specified combatant commands, the term "staff" is more appropriate. Under certain circumstances, a specified combatant command may not have a joint staff.

The second House amendment specifies that positions of responsibility on the staff of the combatant command shall be filled by officers from each of the Armed Forces having significant forces assigned to the command. If significant forces of the Army, Navy, Marine Corps, or Air Force are assigned to the combatant command, the unified or specified combatant commander

should be assisted by officers in positions of responsibility from that Armed Force.

The Senate amendment contained a provision (section 112) that would require that all officers on the staff of a unified combatant command in the grade of colonel or Navy captain and above may be selected only with the concurrence of the unified combatant commander and only in accordance with procedures established by the Secretary of Defense.

The House amendment contained a provision (section 101) that would require the selection or the selection for recommendation to the President of all officers on the staffs of a unified or specified combatant command to be made by the combatant commander. The selection would be made from a list of officers submitted by the Secretary of the Military Department concerned, with the number of officers on such list to be specified by the combatant commander.

The House recedes with amendments to apply the Senate provision to the staffs of specified combatant commands as well as to the staffs of unified combatant commands, to apply the Senate provision to officers of all grades, to require the concurrence of the combatant commander in the selection or recommendation for nomination of each officer, and to provide authority for the Secretary of Defense to waive this requirement.

Authority to Suspend Subordinates

The Senate amendment contained a provision (section 112) that would authorize combatant commanders to suspend from duty and recommend the reassignment of any officer assigned to their commands.

The House amendment contained a provision (section 101) that would make the tenure of an officer assigned to a combatant command subject to the approval of the combatant commander.

The House recedes. For clarification, the authority of a combatant commander provided by this provision of the conference substitute amendment would apply to each officer of his command at any level. The conferees agreed that procedures required by this provision pertain solely to the relationships between a combatant commander and the Military Department concerned with respect to service by an officer in a combatant command. The conferees agreed that nothing in this provision confers on an officer assigned to a combatant command any procedural rights concerning suspension from duty or reassignment.

Sec. 165. Combatant commands: administration and support

The Senate amendment contained a provision (section 112) that would assign to the Secretary of Defense, with the advice and assistance of the JCS Chairman, responsibility for providing for the administration and support of forces assigned to each combatant command.

The House amendment contained a provision (section 101) that would require that the functions of the Secretary of Defense regarding the administration and support of forces assigned to combatant commands be carried out with the advice and assistance of the JCS Chairman.

The House recedes.

The Senate amendment contained a provision (section 112) that would continue the current responsibility of the Secretaries of the Military Departments, subject to the authority, direction, and control of the Secretary of Defense, to provide administration and support for the forces that they have assigned to combatant commands. This provision would require this responsibility to be exercised consistent with the authority assigned to the combatant commanders for coordinating and approving certain aspects of administration and support.

The House amendment contained a similar provision (section 101) except that it would only cover the administration of forces assigned to combatant commands and that it would not make the exercise of the responsibility of the Secretaries of the Military Departments consistent with the authority assigned to combatant commanders.

The House recedes. The conferees agreed that, if there is a disagreement as to whether a particular disciplinary matter should be handled by a Military Department or a combatant command, the Secretary of Defense has ample authority to resolve the matter with respect to a particular case or class of cases.

The Senate amendment contained a provision (section 112) that would authorize the Secretary of Defense, after consultation with the Secretaries of the Military Departments, to assign responsibility (or any part of the responsibility) for the administration and support of forces assigned to combatant commands to other components of the Department of Defense. Such responsibility would be exercised under the authority, direction, and control of the Secretary of Defense and consistent with the authority assigned to combatant commanders.

The House amendment contained a provision (section 101) that would authorize the Secretary of Defense to assign responsibility (or any part of the responsibility) for the support of forces assigned to a combatant command to one or more of the Military Departments, other agencies of the Department of Defense, or the combatant commander concerned. Unless the Secretary of Defense directs otherwise, the Secretary of each Military Department would be responsible for the support of forces assigned by that department to combatant commands.

The House recedes with an amendment to clarify that other components of the Department of Defense include Defense Agencies and combatant commands.

The House amendment contained a provision (section 101) that would provide that a combatant commander may submit to the Secretary of Defense a proposal for his command to perform a support function.

The Senate amendment contained no similar provision.

The House recedes. The conferees agreed that combatant commanders should actively identify support functions that their commands should, in their judgment, perform and forward appropriate recommendations to the Secretary of Defense. However, the conferees believed that this provision of the House amendment need not be specified in law.

Sec. 166. Combatant commands: budget proposals

The House amendment contained a provision (section 101) that would require the Secretary of Defense, after consultation with the JCS Chairman, to submit to the Congress a separate budget proposal for activities of the combatant commands which may include joint exercises, force training, contingencies, and selected operations.

The Senate amendment contained no similar provision.

The Senate recedes.

The House amendment contained a provision (section 101) that would assign various responsibilities to the combatant commanders, the JCS Chairman, and the Secretary of Defense for submission and preparation of, and guidance for, the budget proposal for the activities of combatant commands.

The Senate amendment contained no similar provision.

The House recedes. The conferees believed that this provision of the House amendment was too detailed to include in statute. The conferees agreed, however, that the procedure specified in the House provision should be followed. In particular, the Chairman should review and analyze requests submitted by the combatant commanders, establish priorities in accordance with guidance provided by the Secretary, and recommend a budget for each command.

The House amendment contained a provision (section 101) that would specify that combatant commanders may have access to any net assessment conducted by an organization of the Department of Defense, may request assistance in preparing net assessments, and must include the results of net assessments performed by their commands in certain submissions.

The Senate amendment contained no similar provision.

The House recedes. The conferees believed that the House amendment was too detailed to include in statute. The conferees agreed, however, that:

(1) procedures should be established under which (a) a combatant commander could obtain the assistance of the Joint Staff and other Department of Defense organizations in performing net assessments required by the command; and (b) the findings, conclusions, and recommendations of net assessments conducted within the Department of Defense are made available to combatant commanders; and

(2) combatant commanders should (a) contribute, as appropriate, to net assessments performed by the Joint Staff; and (b) consider the findings and conclusions of net assessments relevant to their commands in evaluating the capabilities of their commands and in developing contingency plans.

Joint Commanders Council

The House amendment contained a provision (section 101) that would establish a Joint Commanders Council consisting of the JCS Chairman and the combatant commanders.

The Senate amendment contained no similar provision.

The House recedes. The conferees agreed that there is a need to improve communications among and between combatant commanders and urge the Secretary of Defense to take appropriate actions to achieve necessary improvements.

Court-Martial Jurisdiction

The House amendment contained a provision (section 101(b)) that would amend section 822(a) of title 10 to provide court-martial jurisdiction to the Secretary of Defense and to the commanding officer of a combatant command.

The Senate amendment contained no similar provision.

The Senate recedes.

SEC. 212. INITIAL REVIEW OF COMBATANT COMMANDS

The House amendment contained a provision (section 104) that would specify the matters to be considered in the initial review of the Unified Command Plan (as required by section 101 of the House amendment) and would require submission of the report of this initial review to the President

not later than one year after the date of enactment.

The Senate amendment contained no similar provision.

The Senate recedes with amendments to revise the matters to be considered in the initial review of the combatant commands (Unified Command Plan).

SEC. 213. REPEAL OF CERTAIN LIMITATIONS ON COMMAND STRUCTURE

The House amendment contained a provision (section 105(b)) that would repeal the prohibition in section 8106 of the Department of Defense Appropriations Act, 1986 (as contained in the Continuing Resolution for fiscal year 1986) against altering the command structure for military forces in Alaska.

The Senate amendment contained no similar provision.

The Senate recedes.

SEC. 214. TRANSITION

Assignment of Forces to Combatant Commands

The House amendment contained a provision (section 106(b)) that would require the assignment of forces to combatant commands, as provided in section 162 of title 10 (as added by section 101 of the House amendment), to take effect at the end of the 90-day period beginning on the date of enactment.

The Senate amendment contained no similar provision.

The Senate recedes.

Waiver of Qualifications for Assignment as Combatant Commander

As part of the action of the conference committee on section 164(a) of title 10 (as added by section 211 of the conference substitute amendment), the conferees agreed to authorize the President to waive the qualifications for assignment as a combatant commander during a transition period before full application of the requirements of section 164(a). Under section 214(b) of the conference substitute amendment, the President would be authorized to waive:

(1) for a 2-year period after enactment, the requirement that a combatant commander have the joint specialty;

(2) for a 4-year period after enactment, the requirement that a combatant commander have served in a joint duty assignment for 3 years if the commander has served in such an assignment for not less than 2 years; and

(3) for a 4-year period after enactment, the requirement that a combatant commander have served in a joint duty assignment as a general or flag officer if the commander served as a general or flag officer in an assignment that was considered a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

Although section 164(a)(2) of title 10 (as added by section 211 of the conference substitute amendment) provides the President with authority to waive the requirements for assignment as a combatant commander, the conferees agreed to provide a specific waiver for a limited transition period so that the exercise of a Presidential waiver, as would be required in the immediate future, would not become standard practice. After the transition period, the conferees expect the President to exercise his permanent waiver authority only in a very limited number of cases and only for officers of exceptional talent who may fail to meet the specified criteria.

Selection and Suspension from Duty of Subordinate Officers

The House amendment contained a provision (section 106(d)) that would require the provisions of section 166 of title 10 (as added by section 101 of the House amendment) relating to the selection and tenure of officers subordinate to a combatant commander to take effect at the end of the 90-day period beginning on the date of enactment.

The Senate amendment contained no similar provision.

The Senate recedes with amendments to apply this transition provision to subsections (e), (f), and (g) of section 164 of title 10 (as added by section 211 of the conference substitute amendment) and to provide that the Secretary of Defense may prescribe any earlier date.

Budget Proposals

The House amendment contained a provision (section 106(c)) that would require the portion of section 165 of title 10 (as added by section 101 of the House amendment) concerning program and budget proposals for the combatant commands to take effect with respect to proposals for fiscal year 1989.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE III—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

SEC. 301. ESTABLISHMENT AND MANAGEMENT OF DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

The Senate amendment contained a provision (section 116) that would:

(1) redesignate sections 191 and 192 of chapter 8 of title 10 as sections 195 and 196;

(2) establish two subchapters in chapter 8; and

(3) add a new section 191 to chapter 8 dealing with Defense Agencies and Department of Defense Field Activities.

The House amendment contained a similar provision that would reorganize chapter 8 of title 10. The House amendment, however, would only apply to Defense Agencies and would not address Department of Defense Field Activities.

The House recedes to including provisions relating to Department of Defense Field Activities as a part of chapter 8 of title 10 and with an amendment to specify the organization of the chapter. The House amendment would:

(1) redesignate section 191 as section 201 and transfer such section to a new subchapter II of chapter 8 of title 10, entitled "Miscellaneous Defense Agency Matters"; and

(2) create a new subchapter I of chapter 8, entitled "Common Supply and Service Activities", with new sections 191 through 194 to accommodate the provisions contained in title III of the conference substitute amendment.

Sec. 191. Secretary of Defense: authority to provide for common performance of supply or service activities

The Senate amendment contained a provision (section 116) that would provide authority for the Secretary of Defense to establish single agencies within the Department of Defense to perform common supply or service activities. The Senate provision would also require the Secretary of Defense to designate any such agency as a Defense Agency or a Department of Defense Field Activity.

The House amendment contained a similar provision (section 201).

The House recedes. Section 191 of title 10 (as added by section 301 of the conference substitute amendment) establishes a statutory framework for the Defense Agencies and Department of Defense Field Activities and governs the establishment of such specialized agencies and activities. Section 191 applies to all such agencies and activities including those in existence on the date of enactment. The conferees agreed that section 191 does not apply to the authority of the Secretary of Defense under section 113(d) of title 10 (as redesignated by section 101(a) of the conference substitute amendment) which permits the Secretary to designate a single Military Department as the executive agent for an activity that is common to more than one Military Department.

Sec. 192. Defense Agencies and Department of Defense Field Activities: oversight by the Secretary of Defense

The Senate amendment contained a provision (section 116) that would require the Secretary of Defense to assign the overall supervision of each supply or service agency, except for the Defense Intelligence Agency and the National Security Agency, to certain officers within the Office of the Secretary of Defense or to the Chairman of the Joint Chiefs of Staff. The provision would also require an official who was assigned such supervisory responsibility to advise the Secretary of Defense on the extent to which the program recommendations and budget proposals of the agency conform with the material requirements of the Military Departments and the operational requirements of the unified and specified combatant commands.

The House amendment contained no similar provision.

The House recedes.

The conferees intend that the civilian officers within the Office of the Secretary of Defense who could be assigned supervisory responsibility include those officers established by law or established or designated by the Secretary of Defense under section 131 of title 10 (as amended by section 104 of the conference substitute amendment).

By not requiring the assignment of a civilian officer or the JCS Chairman to supervise the Defense Intelligence Agency and the National Security Agency, the conferees do not intend to alter the authority of the Secretary of Defense to take such action himself.

The Senate amendment contained a provision (section 116) that would require the Secretary of Defense to establish procedures to ensure the full and effective review of the program recommendations and budget proposals of each supply or service agency.

The House amendment contained no similar provision.

The House recedes.

The Senate amendment contained a provision (section 116) that would require the Secretary of Defense periodically to assess the continuing need for each supply or service agency.

The House amendment contained a similar provision (section 201) that would require a review of Defense Agencies at least every other year to ensure that they, rather than the Military Departments, provide a more effective, economical, or efficient manner of providing common supplies and services. The House provision, in addition, would specify the Department of Defense officials whose views should be obtained as part of the review. Finally, the House provi-

sion would specify that the review requirement would apply to the National Security Agency only as determined appropriate by the Secretary of Defense.

The Senate recedes with two amendments. The first amendment requires the Secretary of Defense, in determining the extent of the National Security Agency review, to consult with the Director of Central Intelligence.

The second amendment deletes the specification of DoD officials whose views are to be obtained. The conferees agreed that, even though the requirement is not included in the conference substitute amendment, the Secretary of Defense should normally consult with the officials named in the House provision in conducting his review of the Defense Agencies. Those officials are the Directors of the Defense Agencies, the Secretaries of the Military Departments, the JCS Chairman, and the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the commanders of the unified and specified combatant commands.

Sec. 193. Combat support agencies: oversight

The Senate amendment contained a provision (section 116) that would make the JCS Chairman responsible for advising the Secretary of Defense on the preparedness of each supply or service agency that has wartime support responsibilities. The Chairman would be required, as a part of his duties, to assess the adequacy of contingency plans, participation in joint exercises, and readiness reporting systems of each supply or service agency.

The House amendment contained a similar provision (section 201) that would require the Chairman to:

(1) submit a report to the Secretary of Defense at least every 2 years on the readiness of combat support agencies (as would be defined by section 201 of the House amendment);

(2) review war-related support plans of combat support agencies in preparing the report to the Secretary of Defense and take action, in accordance with guidance provided by the Secretary of Defense, to revise the plans as needed;

(3) provide for the participation of combat support agencies in joint training exercises and assess their performance; and

(4) develop a uniform readiness reporting system for the combat support agencies in consultation with the agency directors.

The House amendment provision would apply to the National Security Agency only with respect to combat support functions the agency performs for the Department of Defense. The Secretary of Defense, after consultation with the Director of Central Intelligence, would be required to determine the application of the provision to the National Security Agency and report to the Congress any revision of the policies and procedures pertaining to the National Security Agency.

The Senate recedes with an amendment to delete the requirement that the Secretary of Defense report to the Congress on changes in the policies and procedures pertaining to the National Security Agency. The conferees agreed that, in carrying out his responsibilities under subsections (a), (b), and (c) of section 193 of title 10 (as added by section 301 of the conference substitute amendment), the JCS Chairman should:

(1) review the directives and other administrative regulations governing combat support agencies; and

(2) make recommendations to the Secretary of Defense on appropriate revisions to the directives and regulations.

The Senate amendment contained a provision (section 116) that would require the Secretary of Defense, in consultation with the Director of Central Intelligence, to develop policies and programs to correct any deficiencies the JCS Chairman or other Department of Defense officials identified in the wartime support capabilities of the Defense Intelligence Agency and the National Security Agency.

The House amendment contained no similar provision.

The House recedes.

The House amendment contained a provision (section 201) that would define the term "combat support agency".

The Senate amendment contained no similar provision.

The Senate recedes.

The House amendment contained a provision (section 201) that would require the director of a combat support agency to assign a representative of that agency to the headquarters of a combatant command if requested to do so by the commander of a combatant command.

The Senate amendment contained no similar provision.

The House recedes. The conferees agreed that a request from a combatant commander for assignment to his command of a combat support agency representative should be seriously considered by the director of the agency.

Sec. 194. Limitations on personnel

The Senate amendment contained a provision (section 117(f)) that would prohibit future increases in the number of personnel assigned to Defense Agencies and Department of Defense Field Activities above the number assigned on September 30, 1988. The National Security Agency would be exempt from the requirements of the provision. The Senate amendment also contained a provision that would require reductions in personnel by September 30, 1988. That provision is now contained in title VI of the conference substitute amendment.

The House amendment contained no similar provision.

The House recedes with an amendment to change the effective date for the personnel cap to September 30, 1989.

SEC. 302. DEFINITIONS OF DEFENSE AGENCY AND DEPARTMENT OF DEFENSE FIELD ACTIVITY

The House amendment contained a provision (section 201(b)) that would define the term "defense agency."

The Senate amendment contained no similar provision.

The Senate recedes with two amendments. The first Senate amendment specifies that the term "Defense Agency" applies to an organizational entity as described in the House provision or to an organizational entity of the Defense Department that is designated by the Secretary of Defense as a "Defense Agency." The second Senate amendment adds the definition of the term "Department of Defense Field Activity."

SEC. 303. REASSESSMENT OF DEFENSE AGENCIES AND DOD FIELD ACTIVITIES

The House amendment contained a provision (section 202) that would require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Secretaries of the Military Departments to conduct separate studies of the functions and organizational structure of the Defense Agencies to determine the most appropriate means within the Department of Defense of providing the supplies and services now provided by the agencies.

The Senate amendment contained no similar provision.

The Senate recedes with three amendments. The first Senate amendment includes Department of Defense Field Activities in the studies. The second Senate amendment deletes a requirement contained in the House amendment that the Secretary consult with certain DoD officials in preparing his study. The conferees agreed that this requirement is not needed; the Secretary will find it necessary to consult with most, if not all, of the named officials in the course of conducting the required study. The third Senate amendment adds a requirement that the study by the Secretary of Defense include plans to achieve reductions of 5, 10, and 15 percent of the total number of personnel employed in the Defense Agencies and Department of Defense Field Activities on September 30, 1988, together with a discussion of the implications of each level of personnel reductions.

The House amendment contained a provision (section 203) that would require a report on the improved application of computer systems to Defense Agency functions and activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to incorporate the computer report requirement into the report on the reassessment of Defense Agencies and Department of Defense Field Activities required by section 303 of the conference substitute amendment.

SEC. 304. TRANSITION

Periodic Review of Defense Agencies

The House amendment contained a provision (section 201(d)) that would require the first periodic review by the Secretary of Defense under section 192 of title 10 (as added by section 201 of the House amendment) to be completed within 3 years after enactment of the House amendment.

The Senate amendment contained no similar provision.

The Senate recedes.

Oversight of Combat Support Agencies

The House amendment contained a provision (section 201(d)) that would establish dates for implementation of the requirements imposed on the JCS Chairman and the Secretary of Defense in section 193 of title 10 (as added by section 201 of the House amendment). The provision would require an interim report on implementation by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to delete the requirement for an interim report.

Combat Support Functions of the National Security Agency

The House amendment contained a provision (section 201(d)) that would require the Secretary of Defense to carry out within 120 days the requirements with respect to the National Security Agency contained in subsection (d)(2) of section 193 of title 10 (as added by section 201 of the House amendment).

The Senate amendment contained on similar provision.

The House recedes.

Title IV—Joint Officer Personnel Policy

The conferees determined that title IV of the conference substitute amendment provides the most effective policies for managing joint officers that can be developed with the information currently available to the Congress and the Department of Defense. Unfortunately, the Defense Department has given limited attention to the subject of joint officer management. Thus, only a limited base of information and only a few existing policies were available to guide the work of the conference committee. As a consequence, the conferees expect that unanticipated problems will be identified as the Defense Department implements the provisions of title IV of the conference substitute amendment and that adjustments will be necessary. It is for this reason that the conferees agreed to provide transition periods for use before many provisions become effective. In addition, the conferees expressed a willingness to consider promptly any adjustments to these provisions that the Secretary of Defense may recommend based upon insights that actual implementation may provide. This willingness should not, however, be interpreted as a lessening of the commitment of the Congress to an effective system for preparing and rewarding military officers for joint duty service or as permitting the Department to avoid or delay the required implementation.

SEC. 401. JOINT OFFICER MANAGEMENT

The House amendment contained a provision (section 301) that would add a new chapter 38 to title 10, United States Code, entitled Joint Officer Management.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees agreed that the intent of the new chapter 38, and of the entire title IV of the conference substitute amendment, is to govern organizational relationships among elements of the Department of Defense (including the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, and the combatant commands) with respect to personnel policies related to joint duty assignments. Nothing in this title is intended to confer any rights on individual officers, and allegations of non-compliance with any provisions in this title do not provide a basis for invalidating any personnel action.

Sec. 661. Management policies for joint specialty officers

The House amendment contained a provision (section 301) that would establish an occupational category, referred to in the amendment as the "joint specialty", for officers trained in and oriented toward joint military matters. In addition, the provision would set out various requirements pertaining to the specialty: (1) how the total number of joint specialty officers would be determined and the number and type of joint duty assignments to which they would be assigned; (2) how joint specialty officers would be selected, including the nomination procedure and education and experience requirements; and (3) career guidelines for joint specialty officers.

The Senate amendment contained a provision (section 115) that would require the Secretary of Defense to ensure that officers are well prepared to assume joint duty positions as a result of previous experience, formal education, and training.

The Senate recedes with an amendment that would change the requirement for the Secretary of Defense to establish "an occupational category" for joint officers to a requirement to establish "policies, procedures, and practices for the effective management of officers . . . trained in, and oriented toward, joint matters. . . ." The conferees noted that the paragraph changed by the Senate amendment was intended to give the Secretary of Defense sufficient latitude in establishing the "joint specialty", including designating it with another term. The conferees believe that the Senate amendment provides the necessary latitude and unambiguously states the intent of the Congress that an effective system for the management of joint specialty officers be established.

Under section 661(c) of title 10 (as added by section 401 of the conference substitute amendment), an officer who is nominated for the joint specialty may not be selected for the specialty until he (1) successfully completes an appropriate program at a joint professional military education school, and (2) after completing such a program, successfully completes a full joint duty assignment. The purpose of this precise sequence is to ensure that qualified officers are assigned to joint duty assignments. The conferees agreed, however, that implementation of these particular requirements may demonstrate the need for flexibility in the sequence in which they must be fulfilled. Therefore, the conferees agreed that the Committees on Armed Services of the Senate and House of Representatives would more closely examine during the next year whether a limited number of officers should be exempted from the required sequence.

The conferees request that the Secretary of Defense consult with the Secretary of Transportation and advise the Congress whether any provision of chapter 38 of title 10, as added by title IV of the conference substitute amendment, should be applied to officers of the Coast Guard.

The second Senate amendment would transfer to section 402 of the conference substitute amendment the requirement that career guidelines for joint specialty officers established by the Secretary of Defense include guidelines to be furnished to officer selection boards, would elaborate the requirement in more detail, and would add appropriate instructions for selection boards to section 615 of title 10, United States Code. This amendment is considered in the discussion of section 402 below.

Sec. 662. Promotion policy objectives for joint officers

The House amendment contained a provision (section 302) that would require the Secretary of Defense to establish policies to ensure that Joint Staff officers, as a group, are promoted at a rate not less than the rate of officers assigned to Service headquarters staffs. The provision contained the same promotion rate requirement for joint specialty officers. A third requirement would specify promotion rate policies for officers serving in other joint duty assignments.

The Senate amendment contained a provision (section 115) that would require the Secretary of Defense to ensure that the promotion, retention, and assignment policies of the Services provide sufficient incentives for officers to seek joint duty assignments.

The Senate recedes with two amendments. The first Senate amendment would eliminate the mandatory promotion rates and, instead, require the Secretary of Defense to ensure that the qualifications of officers assigned to joint duty assignments are such that the promotion rates specified in the House amendment will be achieved. The conferees agreed that the underlying objective of the provision concerning promotion rates is to ensure that highly capable officers are selected for joint duty assignments—in the case of the Joint Staff or joint specialty, outstanding officers who are, or will be, qualified as a group to be promoted at the same high rates as officers assigned to Service headquarters staffs. The Senate amendment, in focusing on the qualifications of officers selected for joint duty assignments, more accurately expresses congressional intent with respect to this provision.

The second Senate amendment would require the Secretary of Defense to report to the Congress no less often than every 6 months on the promotion rates of joint duty officers. In addition, if the promotion rates should fail to meet the established objectives, the Secretary of Defense would be required to notify the Congress immediately and explain what actions are being taken to prevent further failures. The conferees discourage any interpretation that the first Senate amendment suggests that the Congress is less committed to the objective of manning joint duty assignments with outstanding officers than the House amendment indicates. The second Senate amendment is intended to require notice whenever the Department of Defense fails to achieve the objectives originally established by the House amendment.

Sec. 663. Education

Capstone Course for New General and Flag Officers

The House amendment contained a provision (section 301) that would require, subject to a case-by-case waiver, that officers selected for promotion to brigadier general or rear admiral (lower half) attend a Capstone course to prepare them to work with the other armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Professional Military Education Schools

The Senate amendment contained a provision (section 115) that would require the Secretary of Defense to ensure that the curricula of joint military colleges and schools are oriented to preparing officers for joint duty assignments and that the curricula of the military colleges and schools of the Army, Navy, Air Force, and Marine Corps give appropriate emphasis to instruction in joint military matters.

The House amendment contained a provision (section 301) that would require the Secretary of Defense to review and revise the curricula of schools of the National Defense University and of other professional military education schools to strengthen the education of officers in joint matters.

The Senate recedes.

Duty Assignments After Attending Military Education Schools

The Senate amendment contained a provision (section 115) that would require that a substantial percentage of graduates of joint schools receive joint duty assignments.

The House amendment contained a provision (section 301) that would impose requirements for the subsequent assignment of officers who attend joint professional military education schools to joint duty assignments, including a requirement that a proportion significantly greater than 50 percent of non-joint specialty officers graduat-

ing from a joint professional military education school receive joint duty assignments.

The Senate recedes with an amendment to delete the word "significantly" in the House amendment.

Other Education Requirements

The House amendment contained a provision (section 301) that would require the Secretary of Defense to take all other practicable measures to improve the training and experience of officers serving in senior joint duty assignments.

The Senate amendment contained no similar provision.

The House recedes.

Sec. 664. Length of joint duty assignments

The Senate amendment contained a provision (section 115) that would require the Secretary of Defense to ensure continuity in joint organizations through appropriate joint tour lengths.

The House amendment contained a provision (section 301) that would establish 3 years as the length of a joint duty assignment for general and flag officers and 3½ years for all other officers. The tour length could be waived by the Secretary of Defense subject to certain limitations; also, the Secretary could establish shorter tour lengths for officers with critical combat operational skills, provided that their joint duty assignment was not less than two years.

The Senate recedes with an amendment to specify that the tour length requirements do not apply to officers who fail to complete a joint duty assignment as a result of retirement, separation from active duty, or suspension.

The conferees agreed that this provision is not intended to grant any individual tenure with respect to any assignment.

Sec. 665. Procedures for monitoring the careers of joint officers

The Senate amendment contained a provision (section 115) that would require the Secretary of Defense to ensure that the personnel practices, policies, and procedures of the military Services enhance the abilities of joint duty officers.

The House amendment contained a provision (section 301) that would require the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff (JCS), to establish procedures for overseeing the careers of officers with the joint specialty and other officers who serve in joint duty assignments.

The Senate recedes.

The House amendment contained a provision (section 301) that would make the Chairman of the Joint Chiefs of Staff responsible for advising the Secretaries of the Military Departments with respect to the duty assignments of joint specialty officers and other officers serving in joint duty assignments.

The Senate amendment contained no similar provision.

The House recedes. The conferees agreed that the JCS Chairman should, on his own initiative, assume the responsibility contained in the House amendment, but that there is no reason to specify this responsibility as a matter of law.

The House amendment contained a provision (section 301) that would require enhancement of Joint Staff capabilities to monitor the promotions and assignments of joint specialty officers and other joint duty officers and to advise the JCS Chairman on joint personnel matters.

The Senate amendment contained no similar provision.

The Senate recedes.

Sec. 666. Reserve officers not on the active duty list

The House amendment contained a provision (section 301) that would require the Secretary of Defense to establish personnel policies emphasizing training and experience in joint matters for reserve officers.

The Senate amendment contained no similar provision.

The Senate recedes.

Sec. 667. Annual report to Congress

The House amendment contained a provision (section 301) that would require the Secretary of Defense to submit, as a part of his annual report to Congress, a report on Joint Staff, joint specialty, and other officers who are serving, or have served, in joint duty assignments. The report would require information on:

(1) the officers chosen for the joint specialty, including their education and experience;

(2) the promotion rates for joint specialty officers and other officers serving in joint duty assignments compared with the promotion rates of officers in the Services;

(3) assignments of joint specialty officers;

(4) the average length of tours of duty in joint duty assignments; and

(5) other matters.

The Senate amendment contained no similar provision.

The Senate recedes with three amendments. The first Senate amendment requires that the information in the report be shown separately for each Service as well as for the Department of Defense as a whole. The second Senate amendment requires the promotion rates to be shown for Joint Staff officers as well as joint specialty officers and other officers serving in joint duty assignments. The third Senate amendment requires an analysis of the extent to which each Military Department is providing its share of officers to fill joint duty assignments. (The House amendment contained a similar requirement in section 102.)

The conferees request that the information required by this provision be included in a portion of the annual report of the Secretary of Defense to Congress relating to management of the Department of Defense.

Sec. 668. Definitions

The House amendment contained a provision (section 301) that would define the term "joint matters" and would require the Secretary of Defense, subject to criteria set out in the provision, to define the term "joint duty assignment" and to publish a list of joint duty assignment positions.

The Senate amendment contained no similar provision.

The Senate recedes.

SEC. 402. PROMOTION PROCEDURES FOR JOINT OFFICERS

Composition of Selection Boards

The House amendment contained a provision (section 302) that would require that each selection (promotion) board that will consider officers who have served in joint duty assignments include at least one joint duty officer designated by the JCS Chairman. The House provision specified, however, that the 51 Secretary of Defense could waive the requirement in the case of Marine Corps selection boards.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees agreed that the only reason for the waiver provision for the Marine Corps is to give the Secretary of Defense needed flexibility when there are insufficient numbers of Marine Corps officers of the requisite grade assigned to joint duty assignments to carry out crucial joint duty responsibilities and to meet this selection board membership requirement. The conferees expect the Secretary of Defense to exercise this waiver rarely, if at all.

Guidance to Selection Boards

The House amendment contained a provision (section 301) that would require the Secretary of Defense to establish career guidelines for officers with the joint specialty, including information and guidelines to be furnished to officer selection boards.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that transfers the requirement for promotion guidelines to this section of the conference substitute amendment, further elaborates the requirement, and adds appropriate instructions for selection boards to section 615 of title 10. With respect to the guidelines to be established by the Secretary of Defense, the Senate amendment requires that the Secretary be assisted by the JCS Chairman and that the guidelines be furnished to the Secretaries of the Military Departments. The amendment specifies that their purpose is to ensure that each selection board gives appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments. With respect to guidelines to selection boards, the Senate amendment requires that they be based on the guidelines received by the Secretary of a Military Department from the Secretary of Defense.

Review of Promotion Lists by the JCS Chairman

The House amendment contained a provision (section 302) that would amend section 618 of title 10 to modify the procedures for the review and transmittal of the report of an officer selection board. The House amendment would:

(1) require the JCS Chairman to review the report, in accordance with guidelines prescribed by the Secretary of Defense, after the Secretary of the Military Department concerned has reviewed the report;

(2) authorize the JCS Chairman to recommend officers for promotion who were considered by the board and who had served, or were serving, in joint duty assignments;

(3) authorize the Secretary of the Military Department concerned, if he disagreed with the recommendations of the Chairman, to return the report to the promotion board for further proceedings, convene a special promotion board, or take other appropriate action; and

(4) require remaining disagreements between the Secretary of the Military Department and the Chairman, after the Secretary took such action as he considered necessary in response to the Chairman's submission, to be decided by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with four amendments. The first Senate amendment specifies that the JCS Chairman shall review the report of a selection board for the purpose of determining whether the board acted consistent with the guidelines established by the Secretary of Defense and otherwise gave appropriate consideration to the performance in joint duty assignments of offi-

cers who are serving, or have served, in joint duty assignments.

The second Senate amendment replaces the authority for the Chairman to recommend officers for promotion with a requirement that the Chairman, after reviewing the report of a selection board, return it with his determinations and comments to the Secretary of the Military Department concerned. The conferees recognize that the House amendment would have breached a long standing practice, with roots in law and tradition, that promotions are based on the action of impartial boards of officers rather than the judgment of any one individual. The conferees agree, however, that the Senate amendment is not intended to circumscribe the content (including the specificity) or presentation of the "deliberations and comments" prepared by the Chairman for the Secretary of the Military Department and, with respect to the fourth amendment described below, for the Secretary of Defense.

The third Senate amendment specifies actions that may be taken by the Secretary of the Military Department concerned if the Chairman determines that a board acted contrary to the guidelines of the Secretary of Defense or otherwise failed to give appropriate consideration to the performance of joint duty officers. The actions specified are the same as those contained in the House amendment for a Secretary of the Military Department to take in case the Chairman recommended officers for promotion, except that a Secretary is also authorized to convene a new selection board (as opposed to reconvening the original board).

The fourth Senate amendment modifies the remainder of the procedures contained in the House amendment to make them consistent with the first three amendments. It requires that remaining disagreements between the Chairman and the Secretary of a Military Department be referred to the Secretary of Defense with comments from both parties and that the Secretary of Defense take appropriate action.

SEC. 403. CONSIDERATION OF JOINT DUTY IN SENIOR GENERAL AND FLAG OFFICER APPOINTMENTS AND ADVICE ON QUALIFICATIONS

The Senate amendment contained a provision (section 114) that would amend section 601 of title 10 to add a requirement that the JCS Chairman submit his evaluation of the joint service of officers recommended to the President for initial appointment to the grade of lieutenant general or vice admiral, or to the grade of general or admiral. The provision would further require that the Secretary of Defense submit the Chairman's evaluation to the President at the same time the recommendation for the appointment was submitted to the President.

The House amendment contained a similar provision.

The House recedes.

The Senate amendment contained a provision (section 114) that would require the Secretary of Defense, each time a vacancy occurs in a military office or position within the Department of Defense that the President has designated as a position of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral, to inform the President of the qualifications needed by an appointee to carry out effectively the duties and responsibilities of that office or position.

The House amendment contained no similar provision.

The House recedes with an amendment to apply the Senate requirement to offices for which the required grade is specified in law.

SEC. 404. JOINT DUTY ASSIGNMENT AS PREREQUISITE FOR PROMOTION TO GENERAL OR FLAG OFFICER GRADE

The House amendment contained a provision (section 303) that would require, subject to a case-by-case waiver by the Secretary of Defense, that an officer may not be promoted to brigadier general or rear admiral (lower half) unless he has served in a joint duty assignment.

The Senate amendment contained no similar provision.

The Senate recedes.

SEC. 405. ANNUAL REPORT ON IMPLEMENTATION

The House amendment contained a provision (section 304) that would require the Secretary of Defense to include in his annual report to the Congress a report on the implementation of the joint personnel policy title of the House amendment.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees request that the information required by this provision be included in a portion of the annual report of the Secretary to the Congress relating to management of the Department of Defense.

SEC. 406. TRANSITION

Joint Duty Assignments

The House amendment contained a provision (section 305) that would require the Secretary of Defense to ensure that about one-half of the joint duty assignments in grades above captain or Navy lieutenant are always filled by officers who have (or have been nominated for) the joint specialty as rapidly as possible and not later than 2 years after the date of enactment.

The Senate amendment contained no similar provision.

The Senate recedes.

Joint Specialty

The House amendment contained a provision (section 305) that would provide special rules for the Secretary of Defense to apply in making the initial selection of officers for the joint specialty during a 2-year transition period.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that modifies the procedures for the initial selection of joint specialty officers in several ways.

The amendment deletes the requirement that the Secretary of Defense make the initial selection of officers from among officers in such grades as the Secretary determines. The conferees agreed that the conference substitute amendment makes this requirement unnecessary. The Senate amendment eliminates the distinction between general and flag officers and all other officers in the "special rules" for initial selections in the House amendment. The conferees agree that the revised transition provisions make this distinction unnecessary. The Senate amendment further specifies how the specific provisions of title IV of the conference substitute amendment may be waived during the initial transition period. Finally, the amendment modifies the waiver procedure for the initial selection of joint specialty officers to require that the waiver authority may be delegated only to the Deputy Secretary of Defense, may be applied only on a case-by-case basis, and shall be exercised in a manner that ensures that the highest standards of performance, education, and experience are established and maintained for officers selected for the joint specialty.

Career Guidelines

The House amendment contained a provision (section 305) that would require the establishment of career guidelines, procedures for monitoring the careers of joint duty officers, and reserve officer personnel policies not later than 6 months after the date of enactment. The provision would also require the enhancement of the Joint Staff's capability to monitor joint personnel matters not later than 6 months after the date of enactment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to extend the period of time for the establishment of these policies and capabilities to 8 months.

Education

The House amendment contained a provision (section 305) that would specify the transition periods for the requirements for the Capstone course and the review of the professional military education schools. The provision would require that the revised curricula at these schools take effect with respect to courses beginning after August 1987.

The Senate amendment contained no similar provision. The Senate recedes with two amendments. First, the revised curricula is to take effect with respect to courses beginning after July 1987. Second, the requirements for post-education duty assignments are to take effect with respect to classes graduating from joint professional military education schools after January 1987.

Length of Joint Duty Assignments

As part of the action of the conference committee on section 664 of title 10 (as added by section 401 of the conference substitute amendment), the conferees agreed to apply the new requirements for the length of joint duty assignments to officers assigned to such positions after the end of the 90-day period beginning on the date of enactment. Moreover, the conferees intend that the Secretary of Defense, in computing the average required by section 664, consider only joint duty assignments to which the section applies.

Promotion Policy

The House amendment contained a provision (section 305) that would specify the transition periods for changes to the composition and review process of selection boards considering joint duty officers. The provision would also specify the transition period for implementation of the mandatory promotion rates provided in section 302 of the House amendment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to delete the transition period for implementation of the mandatory promotion rates. This transition period is rendered unnecessary by a Senate amendment to section 302 of the House amendment.

Annual Report on Joint Duty Officers

As part of the action of the conference committee on section 667 of title 10 (as added by section 401 of the conference substitute amendment), the conferees agreed that the first annual report submitted by the Secretary of Defense after the date of

enactment shall contain as much of the information required by section 667 as is available to the Secretary at the time of the preparation of the report.

TITLE V—MILITARY DEPARTMENTS

SEC. 501. THE ARMY SECRETARIAT; SEC. 511. THE NAVY SECRETARIAT; AND SEC. 521. THE AIR FORCE SECRETARIAT

Administrative Assistant

The Senate amendment contained a provision (section 201(a)(2)) that would delete the statutory requirement, as provided in existing section 3016 of title 10, for an Administrative Assistant in the Department of the Army.

The House amendment contained a provision (section 401 (b)(7)) that would prohibit the abolishment of the position of Administrative Assistant in the Department of the Army and that would authorize the Departments of the Navy and Air Force to have a similar position.

The Senate recedes.

Composition of the Department of the Navy

The Senate amendment contained a provision (section 304) that would establish a new chapter 518 of title 10 (Composition of the Department of the Navy) and would reenact in such chapter the third and fourth sentences of existing section 5011 and all of existing sections 5012 and 5013 of title 10.

The House amendment contained a provision (section 101(c)) that would:

(1) amend section 5012 of title 10 to delete the portion specifying that the Navy "is generally responsible for naval reconnaissance, antisubmarine warfare, and protection of shipping"; and

(2) provide a free-standing provision of law that would clarify the authority of the President and the Secretary of Defense to assign missions, roles, and functions to the Military Departments, unified and specified combatant commands, and other elements of the Department of Defense.

The House recedes to the establishment of a new chapter 507 (Composition of the Department of the Navy) of title 10, the transfer of existing sections 5012 and 5013 to such chapter, and the addition of a new section 5061 on the composition of the Department of the Navy. The Senate recedes to section 101(c) of the House amendment with an amendment to delete the free-standing provision. The conferees agreed that the amendment to the responsibilities of the Navy, as provided by section 101(c) of the House amendment, does not affect the authority of the President or the Secretary of Defense to assign responsibilities to the Navy.

Seal for the Department of the Navy

The Senate amendment contained a provision (section 301) that would require the Secretary of the Navy to have a seal for the Department of the Navy, the President to approve the design of the seal, and judicial notice to be taken of the seal.

The House amendment contained no similar provision.

The House recedes.

Secretaries of the Army, Navy, and Air Force

The Senate amendment contained provisions (sections 201, 301, and 401) that would require the Secretary of a Military Department to be appointed from civilian life by the President, by and with the advice and consent of the Senate.

The House amendment contained no similar provisions.

The House recedes.

The Senate amendment contained provisions (sections 201, 301, and 401) that would prohibit a person being appointed Secretary of a Military Department within 5 years after his relief from active duty as a commissioned officer of a regular component of an Armed Force.

The House amendment contained no similar provisions.

The House recedes with an amendment to increase the required period of separation from active duty to 10 years. The conferees determined that the key civilian control role of the Secretary of a Military Department requires a longer period of separation from active duty than would be provided by the provisions of the Senate amendment. The requirement for the Secretary of a Military Department, as provided by the conference substitute amendment, would be the same as is now required for the Secretary of Defense, Deputy Secretary of Defense, and Under Secretary of Defense for Policy.

The Senate amendment contained provisions (sections 201, 301, and 401) that would provide that the performance of duties by the Secretary of a Military Department is subject to the authority, direction, and control of the Secretary of Defense and to the provisions of chapter 6 of title 10 (as added by section 112 of the Senate amendment) related to the combatant commands.

The House amendment contained no similar provisions.

The House recedes.

The Senate amendment contained provisions (sections 201, 301, and 401) that would specify that the Secretary of a Military Department is responsible for and has the authority necessary to conduct all affairs of his Department, including 12 specified functions.

The House amendment contained no similar provisions.

The House recedes with an amendment to clarify that the specified function of "administering" includes the morale and welfare of personnel. The conferees determined that the functions of supplying, servicing, and maintaining, in combination, include the major elements of what is referred to as "logistics."

The Senate amendment contained provisions (sections 201, 301, and 401) that would specify seven responsibilities of the Secretary of a Military Department to the Secretary of Defense.

The House amendment contained a provision (section 404) that would specify two responsibilities for the Secretary of a Military Department. One of these responsibilities is identical to one specified by the Senate amendment. The other responsibility would require the Secretary of a Military Department to ensure the operational readiness of forces under his jurisdiction.

The House recedes.

The Senate amendment contained provisions (sections 201, 301, and 401) that would specify other powers and duties of the Secretary of a Military Department.

The House amendment contained no similar provisions.

The House recedes.

Offices of the Secretaries of the Army, Navy, and Air Force

The Senate amendment contained provisions (sections 201, 301, and 401) that would:

(1) establish in law the Office of the Secretary of each Military Department;

(2) specify the function and composition of each Office;

(3) require the Secretary of each Military Department to ensure that his Office is not duplicating specific functions that he has assigned to the military headquarters staff or staffs of his Department; and

(4) require a 15-percent reduction by September 30, 1988 in the number of personnel assigned to each Office, use the number of personnel assigned to each Office on September 30, 1985 as the baseline for each reduction, and set this reduced personnel level as a permanent ceiling after such date.

The Senate amendment also contained provisions (sections 202, 302, 303, and 402) that would:

(1) require a 15-percent reduction by September 30, 1988 in the total number of personnel assigned to each of the Army Staff, the Office of the Chief of Naval Operations, the Headquarters, Marine Corps, and the Air Staff; use the number of personnel assigned to each staff on September 30, 1985 as the baseline for each reduction; and set this reduced personnel level as a permanent ceiling for each staff after such date; and

(2) limit the number of officers that may be assigned after September 30, 1988 as follows:

(A) the Office of the Secretary of the Army and the Army Staff—1,825 officers;

(B) the Office of the Chief of Naval Operations—1,300 officers;

(C) the Headquarters, Marine Corps—325 officers; and

(D) the Office of the Secretary of the Air Force and the Air Staff—1,575 officers.

The House amendment contained a provision (section 401) that would:

(1) require the Secretary of Defense to reorganize the executive part of each Military Department in accordance with policies specified in section 401 of the House amendment;

(2) require a single integrated staff for the executive part of each Military Department;

(3) prohibit the organization of officers as a separate component within the single integrated staff (other than the personal staff of a Service Chief of Staff);

(4) require that the functional assignments of the assistant secretaries of the Military Departments be as uniform as possible across the Military Departments;

(5) specify that civilian political appointees shall not be placed in positions subordinate to military officers;

(6) direct that the size of the Military Department staffs be substantially reduced and that functions be shifted to appropriate joint staffs or to subordinate commands of the Military Departments;

(7) prohibit the abolishment or consolidation of functions relating to the reserve components with other elements of the staff (other than the consolidation of existing military staff and civilian staff functions relating to the reserve components);

(8) prohibit any future administrative reorganization of the Military Departments that are inconsistent with items (1) through (7); and

(9) specify that the authority of the Service Chief of Staff to exercise supervisory control over members of the Armed Forces under his jurisdiction, especially with respect to personnel matters, remains unchanged.

The House amendment also contained a provision (section 402) that would:

(1) specify the composition of the single integrated staff of each Military Department;

(2) provide that each Secretary of a Military Department and each Service Chief of Staff may have a personal staff of not more

than 30 persons (not counting the Administrative Assistant and his staff);

(3) reduce the total number of personnel assigned to the single integrated staff in each Military Department by 15 percent from the combined number previously assigned to the Office of the Secretary of a Military Department and military headquarters staff or staffs; and

(4) require the Secretary of Defense to ensure that the personnel reduction required by item (3) results in a reduction in the number of persons assigned to duty in the Washington, D.C. area.

The House amendment also contained a provision (section 403) that would:

(1) require the Secretary of Defense to shift to the Joint Staff the operation and planning responsibilities in each Military Department that are duplicated by the Joint Staff; and

(2) require the Secretary of Defense and the Secretaries of the Military Departments to provide that functions that may be performed by subordinate commands outside the Washington, D.C. area are reassigned to those commands.

The House amendment also contained a provision (section 405) that would:

(1) require the implementation by September 30, 1987 of the integration of the top headquarters staffs of each Military Department and related personnel reductions;

(2) require the Secretary of Defense to submit a report on such implementation to Congress 30 days after implementation; and

(3) require such report to include a draft of legislation to make conforming changes to title 10 and other appropriate provisions of law.

The House amendment also contained a provision (section 406) that would define the term "Service Chief."

The House recedes with amendments to:

(1) require that each Office of the Secretary of a Military Department have sole responsibility for the following functions:

(A) acquisition;

(B) auditing;

(C) comptroller (including financial management);

(D) information management;

(E) inspector general;

(F) legislative affairs; and

(G) public affairs.

(2) require each Secretary of a Military Department to establish or designate a single office or other entity within his Office to conduct each function specified in item (1);

(3) provide that no office or other entity within the military headquarters staff or staffs may be established or designated to conduct any of the functions specified in item (1);

(4) require each Secretary of a Military Department to prescribe the relationship of each office or other entity established or designated under item (2) to the Chief of Staff and to the military headquarters staff or staffs;

(5) require each Secretary of a Military Department to ensure that each office or other entity established or designated under item (2) provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities;

(6) specify that the vesting in each Office of the Secretary of a Military Department of the responsibility for the conduct of a function specified in item (1) does not preclude other elements of the executive part of the Military Department (including the military headquarters staff or staffs) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of a Military Department;

(7) require that each Office of the Secretary of a Military Department have sole responsibility for the function of research and development, except that the Secretary may assign to the military headquarters staff or staffs those aspects of the function of research and development that relate to military requirements and test and evaluation;

(8) require each Secretary of a Military Department to establish a single office within his Office to conduct the function of research and development and to specify the relationship of such office to the Service Chief of Staff;

(9) require implementation of items (1) through (8) not later than 180 days after the date of enactment of the conference substitute amendment;

(10) require a report to the Congress from each Secretary of a Military Department on the implementation of items (1) through (8) not later than 210 days after the date of enactment of the conference substitute amendment;

(11) require each Secretary of a Military Department to ensure that his Office and the military headquarters staff or staffs of his Military Department do not duplicate specific functions for which he has assigned responsibility to the other;

(12) require a 15-percent reduction by September 30, 1988 in the combined number of personnel assigned to the Office of the Secretary of a Military Department and the military headquarters staff or staffs in each Military Department, use the number of personnel assigned to the Office and staff or staffs in each Military Department on September 30, 1986 (instead of 1985) as the baseline for each reduction, and set the reduced level as a permanent ceiling;

(13) limit the number of officers that may be assigned after September 30, 1988 as follows:

(A) the Office of the Secretary of the Army and the Army Staff—1,865 officers;

(B) the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps—1,720 officers; and

(C) the Office of the Secretary of the Air Force and the Air Staff-1,585 officers.

(14) require a 15-percent reduction by September 30, 1988 in the combined number of general and flag officers assigned to the Office of the Secretary of a Military Department and the military headquarters staff or staffs in each Military Department, use the number of general and flag officers assigned on the date of enactment as the baseline for each reduction, and set the reduced level as a permanent ceiling;

(15) establish in law the position of the General Counsel of each Military Department; and

(16) amend subsections (c) and (d) of existing section 3031 of title 10 to delete the authority for, and limitations on, the Army General Staff.

In designating functions for which each Office of the Secretary of a Military Department should have sole responsibility, the conferees selected functions that are either civilian in nature or key to effective civilian control. Although such offices would exist solely in the Secretariats of each Military Department, the conferees intend that such offices would provide necessary support to all organizations of the executive part of the Military Department concerned. In particular, the conferees fully expect that the Chief of Staff will have full access to these offices and that they will be completely responsive to his needs for support and assistance. Several of these functions are already consolidated in the Office of the Secretary of a Military Department. Under current practice, a deputy or another senior official in each office works closely with the Chief of Staff to ensure that his needs are met. The conferees expect that this practice will continue in existing consolidated offices and may be used in newly consolidated offices.

The conferees intend that the function of comptroller, for which each Office of the Secretary of a Military Department would have sole responsibility, need not include the functions of requirements and programs.

Sections 3014(c)(2), 5014(c)(2), and 8014(c)(2) of title 10 (as added by sections 501, 511, and 521 of the conference substitute amendment) provide that no office within the military headquarters staff or staffs may be established or designated to conduct any of the seven functions for which the Office of the Secretary of the Military Department is assigned sole responsibility. The conferees selected the language "no office" with care. The intent of the conferees is that no office within the military headquarters staff may be established, designated, or dedicated to performing any of these functions on a permanent basis. However, officers, officials, or members of the Armed Forces assigned to a military headquarters staff may provide advice or assistance to the Chief of Staff or otherwise participate in a function under the direction of the office assigned responsibility for that function in the Office of the Secretary of a Military Department.

In agreeing that no office shall be "established or designated" within the military headquarters staff to conduct functions which are the sole responsibility of the Office of the Secretary of a Military Department, the conferees intend "designated" to mean a formal designation of an existing office as responsible for such a function. The conferees do not intend that the mere direction to an office to provide advice or assistance or otherwise temporarily participate in a function is a designation within the meaning of this provision.

The conferees recognize that the consolidation of functions within the Office of each Secretary of a Military Department will pose unique problems for the Department of the Navy because of the existence of two separate Armed Forces within that Department—the Navy and the Marine Corps. The conferees want it clearly understood that nothing in the legislation is intended to impair the ability of the Commandant of the Marine Corps to carry out his responsibilities to the Secretary of the Navy to organize, train, and equip Fleet Marine Forces of combined arms, together with supporting air components, for service with the fleet, or any other of his responsibilities under section 5203 of title 10 (as added by section 513 of the conference substitute amendment).

With regard to the seven functions for which the Office of the Secretary of the Navy is to have sole responsibility, the conferees recognize that certain aspects of those functions are unique to the interests

of the Marine Corps. The conferees intend that the performance of these functions should fully recognize, as the Commandant considers to be appropriate, the particular interests of the Marine Corps and should fully enable the Commandant to represent those interests in the same manner as the other Chiefs of Staff are able to represent the particular interests of their Armed Force.

In this regard, the conferees appreciate that particular care must be taken by the Secretary of the Navy to ensure that the Marine Corps, which has fewer personnel to devote to staff duty than the Navy, receives evenhanded treatment in organizing, manning, establishing work priorities, and otherwise structuring and operating the consolidated offices. The conferees determined that consolidated offices should include appropriate numbers of Marine generals and other Marine officers to ensure that the interests of the Marine Corps will be represented and that the Commandant will receive appropriate support from these offices.

The conferees also intend that the Headquarters, Marine Corps, shall have an appropriate share of the total number of general officers, other members of the Armed Forces, and civilian employees of the Department of the Navy authorized in section 5014(f) of title 10 (as added by section 511 of the conference substitute amendment) for the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps.

With respect to the actions of the conference committee concerning the function of research and development, the conferees intend that each Office of the Secretary of a Military Department should have an augmented role in the research and development activities of the Military Department concerned. In particular, the conferees agreed that there is a need for more effective policy and resource oversight by each Office in the initial phases of research and development programs.

The conferees determined that consolidation of the function of acquisition in each Office of the Secretary of a Military Department was consistent with the recommendations of the President's Blue Ribbon Commission on Defense Management.

The conferees agreed that each Service should have a separate military headquarters staff within the executive part of its Military Department. This staff should continue to conduct the functions for which effective representation of the military point of view is invaluable to the work of the Military Department. Key among these functions are:

(1) manpower and personnel;
(2) logistics;
(3) installations;
(4) operations and plans;
(5) requirements and programs;
(6) intelligence; and
(7) command, control, and communications.

The conferees agreed that the continued existence of separate military headquarters staffs will ensure that defense decisionmaking is assisted by independent and well-developed military perspectives.

Although the conferees determined that the Office of the Secretary and the military headquarters staff or staffs of each Military Department should remain separately organized, the conferees remain concerned about the unnecessary duplication of effort between these Offices and staffs. Sections 3014(e), 5014(e), and 8014(e) of title 10 (as added by sections 501, 511, and 521 of the conference substitute amendment) would require each Secretary of a Military Department to eliminate such duplication. The conferees expect the Secretaries of the Military Departments to take this responsibility seriously. The 15-percent reductions in the total number of personnel assigned to the top management headquarters are designed, in part, to force a comprehensive management review of such duplication and the formulation of effective solutions.

The conferees also remain concerned about two other problems:

(1) the significant number of personnel assigned to duty in the Washington, D.C. area; and

(2) duplication by the military headquarters staffs of each Military Department of operations and plans functions that are performed by the Joint Staff.

In implementing subsections (c), (d), (e), and (f) of sections 3014, 5014, and 8014 of title 10 (as added by sections 501, 511, and 521 of the conference substitute amendment), the Secretaries of the Military Departments shall take appropriate action to solve these problems. In the implementation reports that would be required by section 532(b) of the conference substitute amendment, the conferees agreed to direct each Secretary of a Military Department to inform the Congress on:

(1) the number of personnel positions that have been transferred to duty positions outside the Washington, D.C. area;

(2) the functions that have been reassigned to subordinate commands and organizations outside the Washington, D.C. area;

(3) the aspects of the functions of operations and plans that are required to be performed by the military headquarters staff or staffs of the Military Department;

(4) the aspects of the functions of operations and plans that were previously performed by the military headquarters staff or staffs of the Military Department that duplicated aspects of the functions performed by the Joint Staff and that will no longer be performed by the military headquarters staff or staffs of the Military Department; and

(5) the number of personnel positions that have been eliminated in the military headquarters staff or staffs in the Military Department as a result of the determinations in item (4).

The conferees agreed to delete the authority for, and limitations on, the Army General Staff because the Army no longer uses this staff designation. Thus, statutory specification of the Army General Staff is no longer needed.

Under Secretaries of the Army, Navy, and Air Force

The Senate amendment contained provisions (sections 201, 301, and 401) that would:

(1) require the Under Secretary of a Military Department to be appointed from civilian life by the President, by and with the advice and consent of the Senate; and

(2) specify that the Under Secretary of a Military Department shall perform such duties and exercise such powers as the Secretary of the Military Department may prescribe.

The House amendment contained no similar provisions.

The House recedes.

Assistant Secretaries of the Army, Navy, and Air Force

The Senate amendment contained provisions (sections 201, 301, and 401) that would:

(1) require the Assistant Secretaries of a Military Department to be appointed from civilian life by the President, by and with the advice and consent of the Senate;

(2) authorize five Assistant Secretaries for the Army, four Assistant Secretaries for the Navy, and three Assistant Secretaries for the Air Force;

(3) specify that the Assistant Secretaries of a Military Department shall perform such duties and exercise such powers as the Secretary of the Military Department may prescribe;

(4) require each Military Department to have an Assistant Secretary for Manpower and Reserve Affairs; and

(5) require the Army to have an Assistant Secretary for Civil Works.

The House amendment contained a provision (section 402(b)) that would:

(1) specify seven areas of responsibility to be assigned to the Assistant Secretaries of each Military Department;

(2) specify that the civil works function is to be assigned to an Assistant Secretary of the Army; and

(3) authorize five Assistant Secretaries for the Army, four Assistant Secretaries for the Navy, and four Assistant Secretaries for the Air Force.

The House recedes.

Successors to Duties of Secretary of a Military Department

The Senate amendment contained provisions (sections 201, 301, and 401) that would specify the successors to the duties of the Secretary of a Military Department if he dies, resigns, is removed from office, is absent, or is disabled.

The House amendment contained no similar provisions.

The House recedes.

General Counsels

As part of the conference agreement on provisions relating to each Office of the Secretary of a Military Department, the conferees agreed to establish in law the position of General Counsel in each Military Department. Sections 3019, 5019, and 8019 of title 10 (as added by sections 501, 511, and 521 of the conference substitute amendment) would:

(1) establish the position of General Counsel in each Military Department;

(2) require each General Counsel of a Military Department to be appointed from civilian life by the President; and

(3) specify that the General Counsel of a Military Department shall perform such functions as the Secretary of the Military Department may prescribe.

The action of the conference committee merely recognizes in law a position that already exists in each Military Department and eliminates confusion caused by the absence of statutory specification.

Inspector Generals

The Senate amendment contained provisions that would:

(1) assign the Inspector Generals of the Army, Navy, and Air Force to the Office of the Secretary of their Military Department; and

(2) establish in law the position of Inspector General of the Air Force and specify his assignment and duties.

The House amendment contained no similar provisions.

The House recedes with an amendment to require the Inspector Generals of the Army, Navy, and Air Force to cooperate fully with the Inspector General of the Department of Defense in the performance of any of his duties or responsibilities under the Inspector General Act of 1978.

Army Reserve Forces Policy Committee and the Air Reserve Forces Policy Committee

The Senate amendment contained provisions (sections 201 and 401) that would amend sections 3021 and 8021 (as redesignated, respectively, by sections 501 and 521 of the conference substitute amendment) to assign responsibility to the Army Reserve Forces Policy Committee and the Air Reserve Forces Policy Committee for review and comment on policies for mobilization preparedness.

The House amendment contained no similar provisions.

The House recedes.

Repeal of Chapters

The Senate amendment contained a provision (section 301(c)(3)) that would repeal chapter 505 (Secretary, Under Secretary, and Assistant Secretaries of the Navy) and chapter 507 (Office of the Comptroller of the Navy) of title 10.

The House amendment contained no similar provision.

The House recedes.

SEC. 502. THE ARMY STAFF; SEC. 512. OFFICE OF THE CHIEF OF NAVAL OPERATIONS; SEC. 513. HEADQUARTERS, MARINE CORPS; AND SEC. 522. THE AIR STAFF

Top Military Headquarters Staffs of the Army, Navy, Marine Corps, and Air Force

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would establish in law the top military headquarters staff of each Armed Force and specify its function and composition. These provisions would also specify that each such staff, except as otherwise prescribed by law, shall be organized, and its members shall perform such duties and have such titles, as the Secretary of the Military Department may prescribe.

The House amendment contained no similar provisions.

The House recedes.

General Duties

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would specify the general duties of the top military headquarters staff of each Armed Force.

The House bill contained no similar provisions.

The House recedes with amendments to:

(1) make performance of the first of these general duties subject to subsections (c) and (d) of sections 3014, 5014, and 8014 of title 10 (as added, respectively, by sections 501, 511, and 521 of the conference substitute amendment); and

(2) clarify the authority of these staffs to coordinate the action of organizations of their Armed Force.

Chiefs of Staff

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would specify the appointment, term of office, and powers and duties of the Chief of Staff of the Army, Chief of Naval Operations, Commandant of the Marine Corps, and Chief of Staff of the Air Force.

The House amendment contained no similar provisions.

The House recedes with amendments to:

(1) ensure that keeping the Secretary of a Military Department informed on advice rendered by a JCS member, under section 151 of title 10 (as added by section 201 of the conference substitute amendment), on matters affecting his Department does not lessen the independence of the Chief of Staff in performing his JCS duties;

(2) make the requirement of keeping the Secretary of a Military Department fully informed of significant military operations subject to the authority, direction, and control of the Secretary of Defense; and

(3) specify that the obligation of the Chief of Staff to keep the Secretary of a Military Department informed on significant military operations is with respect to matters affecting the responsibilities of the Secretary.

Retirement of the Chief of Naval Operations and the Commandant of the Marine Corps

The Senate amendment contained provisions (sections 302 and 303) that would reenact the provisions of title 10 (sections 5083 and 5201(c)) related to the retirement of the Chief of Naval Operations and the Commandant of the Marine Corps that existed at the time the Senate amendment passed the Senate.

The House amendment contained no similar provisions.

The Senate recedes. Section 104 of the Military Retirement Reform Act of 1986 (Public Law 99-348) repealed the last sentence of both sections 5083 and 5201(c). The effect of the Senate receding would be to reenact sections 5083 and 5201(c) as amended by Public Law 99-348.

In examining sections 5083 and 5201(c), the conferees noted inconsistencies between these provisions and other provisions of title 10, especially sections 3962 and 8962, concerning the retirement of officers who are serving, or have served, in a position for which the grade is specified in law. The conferees agreed to direct the Secretary of Defense to submit a legislative proposal, as part of the submission required by section 604 of the conference substitute amendment, to make consistent or appropriately amend the retirement provisions for all officers serving or having served in positions for which the grade is specified in law.

Qualifications for Appointment as Chief of Staff

The Senate amendment contained a provision (section 111) that would provide that the President may assign to serve as members of the Joint Chiefs of Staff only officers who have served in one or more joint duty positions for a substantial period of time. The provision would also provide a waiver of this requirement in the case of any officer if the President determines that such action is necessary in the national interest.

The House amendment contained a provision (section 301) that would require the Secretary of Defense to establish policies to ensure, whenever practicable, the application of certain criteria to the selection of an officer for recommendation to the President for assignment as the Chief of Staff of an Armed Force. The specified criteria would be that the officer have had significant experience in joint duty assignments and that such experience include at least one joint duty assignment as a general or flag officer.

The Senate recedes with amendments to require that the President may assign an officer to serve as a Chief of Staff only if he meets the criteria specified in the House provision, to provide a waiver of this requirement if the President determines that such action is necessary in the national interest, and to provide appropriate transition provisions for use by the President before full application of these new requirements. The transition provision is provided in section 532(c) of the conference substitute amendment.

Principal Naval Adviser

The Senate amendment contained a provision (section 302) which would have the effect of repealing existing section 5081(d) that provides:

The Chief of Naval Operations is the principal naval adviser to the President and to the Secretary of the Navy on the conduct of war, and the principal naval adviser and naval executive to the Secretary on the conduct of the activities of the Department of the Navy.

The House amendment contained a provision (section 601(d)) that would strike out "to the President and" from section 5081(d) of title 10.

The House recedes.

Vice Chiefs of Staff

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would specify the appointment and powers and duties of each Vice Chief of Staff and the succession to the duties of the Chief of Staff.

The House amendment contained no similar provisions.

The House recedes.

Deputy and Assistant Chiefs of Staff

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would:

(1) authorize not more than four Deputy Chiefs of Staff for each Armed Force;

(2) authorize not more than three Assistant Chiefs of Staff for each Armed Force; and

(3) specify the assignment of the Deputy and Assistant Chiefs of Staff.

The House amendment contained no similar provisions.

The House recedes with amendments to authorize not more than five Deputy Chiefs of Staff for each Armed Forces and to establish in law the position of Chief of Staff of the Marine Corps.

SEC. 503. AUTHORITY TO ORGANIZE ARMY INTO COMMANDS, FORCES, AND ORGANIZATIONS; AND SEC. 523. AUTHORITY TO ORGANIZE AIR FORCE INTO SEPARATE ORGANIZATIONS

The Senate amendment contained provisions (sections 203 and 403) that would clarify the authority of the Secretaries of the Army and Air Force to organize the Army and Air Force.

The House amendment contained no similar provisions.

The House recedes.

SEC. 514. TECHNICAL AND CLERICAL AMENDMENTS

Section 514 of the conference substitute amendment amends title 10 to make appropriate conforming and technical changes to implement the actions of the conference committee relating to part B of title V of the conference substitute amendment.

SEC. 531. CONFORMING AMENDMENTS

Section 531 of the conference substitute amendment amends title 10 and title 37 to make appropriate conforming changes to implement the actions of the conference committee relating to parts A, B, and C of

title V of the conference substitute amendment.

SEC. 532. TRANSITION

The conferees agreed to two transition provisions that would:

(1) require implementation of subsections (c) and (d) of sections 3014, 5014, and 8014 of title 10 (as added by sections 501, 511, and 521 of the conference substitute amendment) not later than 180 days after the date of enactment of the conference substitute amendment; and

(2) require each Secretary of a Military Department to submit a report on such implementation 30 days after implementation.

The conferees also agreed to a transition provision for use by the President before the requirements for appointment as a Chief of Staff become fully effective. The provision authorizes the President to waive for 4 years:

(1) the requirement for a 3-year joint duty tour if the Chief of Staff has served in a joint duty assignment for not less than 2 years; and

(2) the requirement that a Chief of Staff have served in a joint duty assignment as a general or flag officer if the Chief of Staff served as a general or flag officer in an assignment that was considered a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

TITLE VI—MISCELLANEOUS

SEC. 601. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES AND CERTAIN OTHER ACTIVITIES

Military Departments and Combatant Commands

The Senate amendment contained a provision (section 501) that would require a 10-percent reduction by September 30, 1988 in the total number of military and civilian personnel assigned to headquarters staffs within the Military Departments and combatant commands. The provision would:

(1) exclude each Office of the Secretary of a Military Department, the Army and Air Staffs, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, because other provisions of the Senate amendment would require personnel reductions in these organizations,.

(2) use the personnel strengths of these staffs on September 30, 1985 as the baseline for reductions;

(3) require the Secretary of Defense to allocate the reductions;

(4) prohibit accomplishment of the reductions by recategorizing or redefining duties, functions, offices, or organizations;

(5) authorize each combatant commander to determine how reductions allocated to his command would be accomplished;

(6) prohibit further increases beyond the reduced personnel levels; and

(7) define the terms applied to headquarters staff.

The House amendment contained no similar provision.

The House recedes with two amendments. The first amendment requires the 10-percent reduction to be applied to the total number of personnel assigned on September 30, 1986 instead of September 30, 1985. The second House amendment excludes the immediate headquarters staff of each unified and specified combatant commander from the required personnel reductions.

Defense Agencies and Department of Defense Field Activities

The Senate amendment contained a provision (section 117) that would require a 15-percent reduction by September 30, 1988 in the total number of civilian and military personnel assigned to the headquarters staffs of Defense Agencies and Department of Defense Field Activities and a 10-percent reduction in non-headquarters personnel. The provision would:

(1) use the personnel strengths of these elements on September 30, 1985 as the baseline for reductions;

(2) require the Secretary of Defense to allocate the reductions among the agencies and activities in a manner consistent with the efficient operation of the Department of Defense;

(3) prohibit the accomplishment of the reductions by recategorizing or redefining duties, functions, offices, or organizations;

(4) exempt the National Security Agency from the required personnel reductions; and

(5) define the terms applied to headquarters staffs.

The House amendment contained no similar provision.

The House recedes with seven amendments to:

(1) require that the reductions be applied to the total number of personnel assigned on September 30, 1986 instead of September 30, 1985.

(2) require only 5-percent reductions by September 30, 1988 for both headquarters personnel and non-headquarters personnel;

(3) require an additional 10-percent reduction in the total number of headquarters personnel assigned on September 30, 1988, to be completed by September 30, 1989, and a corresponding 5-percent reduction in the total number of non-headquarters personnel;

(4) allow any reductions in headquarters personnel and non-headquarters personnel in excess of those required by September 30, 1988 to be applied to the reductions of headquarters and non-headquarters personnel required by September 30, 1989;

(5) allow any reductions of headquarters personnel or non-headquarters personnel in excess of those required by September 30, 1988 or September 30, 1989 to be applied to the required reductions in personnel in the other category;

(6) authorize the Secretary of Defense, if he determines that national security requirements dictate such action, to allocate part or all of the reductions to headquarters or non-headquarters activities in the Department of Defense other than the Defense Agencies and Department of Defense Field Activities;

(7) specify that personnel reductions required by section 601 of the conference substitute amendment are in addition to any reductions required to be made by other provisions of the conference substitute amendment.

The conferees agreed that the principal effect of the second and third House amendments would be to delay the total reductions required by the Senate amendment for 1 year.

The conferees noted that the Senate provision would afford the Secretary latitude in applying the personnel reductions among the various agencies and activities. He would be authorized, for example, to exempt any Defense Agency or Department of Defense Field Activity from personnel reductions. The House amendments increase the discretion allowed the Secretary. He could allocate all or part of the personnel reductions required in the Defense Agencies and Department of Defense Field Activities to other elements of the Department of Defense.

The conferees expect the Secretary of Defense to take advantage of the latitude afforded him by the conference substitute amendment to make selective, rather than across-the-board, reductions. Organizations with expanding functions and limited personnel, such as the Defense Technology Security Administration, should be exempted; reductions should be concentrated in areas where duplication and overstaffing exist. In particular, the Secretary should consider demonstrable efficiency in, or improved performance by, a Defense Agency or Department of Defense Field Activity as an important factor in exempting agencies or activities from personnel reductions.

The conferees believe that streamlining the acquisition activities of the Military Departments should be a principal source of personnel reductions, if reductions are allocated to elements of the Department of Defense other than the Defense Agencies and Department of Defense Field Activities.

SEC. 602. REDUCTION OF REPORTING REQUIREMENTS

The Senate amendment contained a provision (section 503) that would waive, effective on January 1, 1987, the statutory requirement for the submission to Congress by the President or Department of Defense officials of several hundred defense-related reports, notifications, and studies. The provision would exempt from the waiver (1) any provision of law enacted on or after the date of enactment of the Senate amendment; and (2) 149 current reporting requirements listed in 84 entries in the Senate provision.

The House amendment contained a similar provision (section 503). The House recedes with three amendments. The first House amendment affirms that it is the policy of Congress to reduce the administrative burden placed on the Department of Defense by outdated, redundant, or otherwise unnecessary reporting requirements.

The second House amendment requires the Secretary of Defense:

(1) to compile a list of all periodic reports, notifications, and studies currently required to be submitted by the President or Department of Defense officials;

(2) to submit the list to Congress with certain information on each item on the list, including the Secretary's recommendation as to whether the requirement should be retained, modified, or repealed; and

(3) to include a draft of the legislation necessary for the elimination of the reporting requirements recommended by the Secretary.

The third House amendment waives the reporting requirements contained in title 32, United States Code, and exempts additional reports from the waiver.

SEC. 603. ANNUAL REPORT ON NATIONAL SECURITY STRATEGY

The Senate amendment contained a provision (section 502) that would require the President to submit an annual report to the Senate Committees on Armed Services and Foreign Relations and the House Committees on Armed Services and Foreign Affairs on the national security strategy of the United States.

The House amendment contained a similar provision (section 501) that would require that the report also be submitted to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

The House recedes with an amendment to require that the report be submitted to Congress (rather than committees of Congress).

The Senate amendment contained a provision (section 103(a)(2)) that would amend section 133(e) of title 10 to require the annual report to the Congress from the Secretary of Defense (required by such subsection) to include a presentation of major military missions, of the relationship of those missions to the foreign policy and military force structure of the United States, and a justification for those missions.

The House amendment contained no similar provision.

The House recedes with amendments to:

(1) delete the requirement that the report from the Secretary of Defense include a presentation of United States foreign policy and related matters;

(2) delete the requirement that the Secretary of Defense consult with the Secretary of State before submitting the report; and

(3) require the Secretary of Defense, in preparing his report, to take into consideration the content of the annual national security strategy report of the President under section 104 of the National Security Act of 1947 (as added by section 603 of the conference substitute amendment).

The conferees determined that there was no longer a requirement for the Secretary of Defense to include in his report a presentation of United States foreign policy. The national security strategy report of the President will discuss foreign policy. Thus, the conferees agreed only to require the Secretary of Defense, in preparing his report, to take into consideration the content of the President's report. By these changes, the President's report will present the U.S. national security strategy, and the Secretary's report will discuss key elements of the military strategy component of the national security strategy.

SEC. 604. LEGISLATION TO MAKE REQUIRED CONFORMING CHANGES IN LAW

The Senate amendment contained a provision (section 504) that would provide that the provisions of the Senate amendment take effect no later than 180 days after enactment.

The House amendment contained no similar provision.

The Senate recedes with an amendment to require the Secretary of Defense to submit draft legislation to make any technical and conforming changes that are required or should be made by reason of the amendments made by the conference substitute amendment.

The conferees agreed that the provisions of the conference substitute amendment should be effective on the date of enactment except where otherwise specified.

SEC. 605. GENERAL TECHNICAL AMENDMENTS

Section 605 of the conference substitute amendment amends title 10 to make general technical changes to implement the actions of the conference committee relating to titles I, II, and III of the conference substitute amendment.

LES ASPIN,
BILL NICHOLS,
IKE SKELTON,
NICK MAVROULES,
WM. L. DICKINSON,
LARRY J. HOPKINS,
JOHN R. KASICH,
Managers on the Part of the House.

BARRY GOLDWATER,
STROM THURMOND,
JOHN WARNER,
GORDON J. HUMPHREY,
BILL COHEN,
DAN QUAYLE,
PETE WILSON,
JEREMIAH DENTON,
PHIL GRAMM,
JAMES T. BROYHILL,
SAM NUNN,
JOHN C. STENNIS,
GARY HART,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
ALAN J. DIXON,
JOHN GLENN,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHUETTE (at the request of Mr. MICHEL), for 12:30 p.m. today, on account of official business because of extensive flooding in the district.

Mr. MARKEY (at the request of Mr. WRIGHT), for September 11 and 12, on account of a death in the family.

Mr. HUTTO (at the request of Mr. WRIGHT), for 1 p.m. today, on account of district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 60 minutes, today.

(The following Members (at the request of Mrs. JOHNSON) to revise and extend their remarks and include extraneous material:)

Mr. FRENZEL, for 60 minutes, on September 17, 18, and 22.

Mr. ARCHER, for 60 minutes, on September 17, 18, and 22.

Mr. GILMAN, for 5 minutes, on September 12.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. YATRON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. WEAVER, for 5 minutes, today.

Mr. MAZZOLI, for 60 minutes on September 18.

Mr. GAYDOS, for 60 minutes, on September 17 and 18.

Mr. GONZALEZ, for 60 minutes, on September 16 and 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DAUB, on H.R. 5313, in the Committee of the Whole, today.

Mr. ARMEY, prior to the vote on final passage of H.R. 5313, today.

(The following Members (at the request of Mrs. JOHNSON) and to include extraneous matter:)

Mr. DORNAN of California in three instances.

Mr. SMITH of New Jersey.

Mr. BEREUTER in two instances.

Mr. DANNEMEYER in two instances.

Mr. KEMP in two instances.

Mrs. HOLT.

Mr. BROOMFIELD.

Mr. GUNDERSON.

Mrs. ROUKEMA.

Mr. DAUB.

Mr. SENSENBRENNER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. WAXMAN.

Mr. HOYER.

Mr. RODINO.

Mr. RANGEL.

Mr. TALLON.

Mr. WOLPE.

Mr. MRAZEK.

Mr. LELAND in two instances.

Mr. TORRICELLI.

Mr. SCHEUER.

Mr. STUDDS.

Mr. MANTON.

Mr. EDWARDS of California.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2320. An act to amend an act to add certain lands on the Island of Hawaii to Hawaii Volcanoes National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 16, 1986, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4201. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's intent to issue letter(s) of offer to sell certain defense articles and services to the Netherlands (transmittal No. 86-58), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4202. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's intent to issue letter of offer to sell certain defense articles and services to Greece (transmittal No. 86-59), pursuant to 22

U.S.C. 2776(b); to the Committee on Foreign Affairs.

4203. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the report on political contributions by James Wilson Rawlings, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe and the report on political contributions by Elinor Constable, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee of conference. Conference report on H.R. 4421 (Rept. 99-815).

Mr. GRAY of Pennsylvania: Temporary Joint Committee on Deficit Reduction. H.J. Res. 723. Resolution complying with the requirements of section 274(f)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Rept. 99-816). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4794. A bill to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail, with an amendment (Rept. 99-817). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4873. A bill to authorize certain transfers affecting the Pueblo of Santa Ana in New Mexico, and for other purposes, with amendments (Rept. 99-818). Referred to the Committee of the Whole House on the State of the Union.

UDALL: Committee on Interior and Insular Affairs. H.R. 5167. A bill to declare that the United States holds certain public domain lands in trust for the Pueblo of Zia, with amendments (Rept. 99-819). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 4980. A bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties for damage to religious property and for injury to persons in the free exercise of religious beliefs (Rept. 99-820). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4492. A bill to permit the transfer of certain airport property in Algona, IA, with an amendment (Rept. 99-821). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4838. A bill to amend section 408 of the Federal Aviation Act of 1958 to ensure fair treatment of airline employees in airline mergers and similar transactions, with an amendment (Rept. 99-822). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H. Con. Res. 339. Resolution expressing the sense of Congress that the essential air transportation program should be maintained for the ten-year period for which it is authorized, (Rept. 99-823). Referred to the House Calendar.

Mr. NICHOLS: Committee of Conference. Conference report on H.R. 3622 (Rept. 99-824). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 5507. A bill to amend the Agricultural Act of 1949 to maintain the support price for the 1986 crop of soybeans at $5.02 per bushel, and for other purposes; to the Committee on Agriculture.

By Mr. FLIPPO:

H.R. 5508. A bill to designate the Sipsey River as a component of the National Wild and Scenic Rivers System, to designate certain areas as additions to the Sipsey Wilderness, and to preserve over 30,000 acres of pristine natural treasures in the Bankhead National Forest for the esthetic and recreational benefit of future generations of Alabamians, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. GREEN:

H.R. 5509. A bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. HAMILTON, Mr. JACOBS, Mr. SHARP, Mr. VISCLOSKY, and Mr. BURTON of Indiana):

H.R. 5510. A bill to award a congressional gold medal to Red Skelton; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MANTON:

H.R. 5511. A bill to require the Secretary of the Treasury to recall from circulation all existing Federal Reserve notes in the denomination of $100; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MURTHA (for himself and Mr. RUDD):

H.R. 5512. A bill to provide for entry into the United States of sugar only from friendly developing countries, to restore the historical sugar quota for the Philippines, and for other purposes; to the Committee on Ways and Means.

By Mr. OLIN:

H.R. 5513. A bill to provide for the release to the Virginia Museum of Transportation certain objects owned by the U.S. Information Agency; to the Committee on Foreign Affairs.

By Mr. ROWLAND of Connecticut:

H.R. 5514. A bill to improve the international trade posture of the United States; jointly, to the Committees on Banking, Finance and Urban Affairs; Foreign Affairs; and Ways and Means.

By Mr. SWINDALL (for himself, Mr. BARNARD, and Mr. BROWN of California):

H.R. 5515. A bill to establish an Information Age Commission; jointly, to the Committees on Government Operations and Science and Technology.

By Mr. WAXMAN:

H.R. 5516. A bill to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices; to the Committee on Energy and Commerce.

By Mr. WHITTEN:

H.J. Res. 724. Joint resolution making continuing appropriations for the fiscal year 1987, and for other purposes; to the Committee on Appropriations.

By Mr. KASTENMEIER:

H.J. Res. 725. Joint resolution to commemorate the 100th birthday of Aldo Leopold and to recognize his contribution to the protection and wise management of renewable natural resources; jointly, to the Committees on Post Office and Civil Service and Interior and Insular Affairs.

By Mr. GONZALEZ:

H.J. Res. 726. Joint resolution to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARNES:

H. Con. Res. 390. Concurrent resolution condemning the state of siege imposed by the Government of Chile and expressing the support of the Congress for a peaceful transition to democracy in Chile; to the Committee on Foreign Affairs.

RESOLUTION AGREED TO PURSUANT TO H. RES. 548

H. Res. 549. Resolution expressing the intent of the House of Representatives with respect to the adoption of the Senate amendment to the bill H.R. 4868; pursuant to H. Res. 548, considered as having been adopted.

By Mr. IRELAND (for himself and Mr. LEWIS of Florida):

H. Res. 550. Resolution expressing the sense of the House of Representatives regarding the agreement between the United States and the European Community on citrus and pasta, and for other purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. STANGELAND:

H.R. 5517. A bill to extend patent No. 3,741,577 for a period of 10 years; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 5518. A bill for the relief of Jon Engen, to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 128: Mr. WHITTAKER.

H.R. 343: Mr. SMITH of Florida.

H.R. 749: Mr. SCHUMER.

H.R. 1902: Mr. LEHMAN of Florida, Mr. FAUNTROY, Mr. HORTON, Mr. EVANS of Illinois, Mr. MRAZEK, Mr. SAVAGE, Mr. SEIBERLING, Mr. SCHUMER, Mr. DE LA GARZA, Mr. SABO, and Mr. LIPINSKI.

H.R. 2440: Mr. ANNUNZIO.

H.R. 2850: Mr. SMITH of Iowa.

H.R. 4096: Mr. FRANKLIN, Mr. ASPIN, Mr. LEATH of Texas, Mr. BATES, Mr. MORRISON

of Washington, Mr. DELLUMS, Mr. FAUNTROY, and Mr. KLECZKA.

H.R. 4153: Mr. LATTA, Mr. BATEMAN, Mrs. BENTLEY, Mr. BEVILL, Mr. BOLAND, Mr. BORSKI, Mr. BROOKS, Mrs. BURTON of California, Mr. CARNEY, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DONNELLY, Mr. DYMALLY, Mr. EARLY, Mr. ECKART of Ohio, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. HOYER, Mr. LUNDINE, Mr. MCKINNEY, Mr. MARTINEZ, Mr. MATSUI, Ms. MIKULSKI, Mr. MILLER of Washington, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. NATCHER, Ms. OAKAR, Mr. OBEY, Mr. OWENS, Mr. PICKLE, Mr. RANGEL, Mr. ROYBAL, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STARK, Mr. SYNAR, Mr. TRAXLER, Mr. WEISS, Mr. WYDEN, Mr. YATES, Mr. WHEAT, Mr. ORTIZ, Mr. AKAKA, Mr. ROBERTS, Mr. BONKER, Mr. OBERSTAR, Mr. GORDON, Mr. CHAPPELL, Mr. NICHOLS, Mr. SISISKY, Mr. LIPINSKI, Mr. YATRON, Mr. LEHMAN of Florida, Mrs. BOXER, Mr. LEWIS of Florida, Mr. FUQUA, Mr. BATES, Mr. CHAPPIE, Mr. LOWRY of Washington, Mr. VENTO, Mr. BOUCHER, Mr. HAMMERSCHMIDT, Mr. BEDELL, Mr. CONTE, Mr. MOAKLEY, Mr. WALGREN, Mr. FUSTER, Mr. DWYER of New Jersey, Mr. FEIGHAN, Mr. SUNIA, Mr. DINGELL, Mr. STOKES, Mr. REID, Mr. ROEMER, Mr. LELAND, Mr. STRATTON, Mr. BILIRAKIS, Mr. CROCKETT, Mr. WALDON, Mr. KANJORSKI, Mr. KLECZKA, Mr. KOLTER, Mr. ALEXANDER, Mr. DOWDY of Mississippi, Mr. HARTNETT, Mr. HERTEL of Michigan, Mr. TORRICELLI, Mr. COURTER, Mr. DYSON, and Mr. MADIGAN.

H.R. 4638: Mr. TOWNS, Mr. MCKINNEY, and Mr. SAXTON.

H.R. 4741: Mr. PANETTA, Mr. LEVINE of California, Mr. YATES, and Mrs. BURTON of California.

H.R. 5003: Mr. COBEY.

H.R. 5054: Mr. ROE, Mr. TRAFICANT, Ms. OAKAR, Mr. CHAPPELL, and Mr. MACK.

H.R. 5061: Mr. EMERSON and Mr. COBEY.

H.R. 5068: Mr. DURBIN.

H.R. 5274: Mr. MRAZEK, Mr. BUSTAMANTE, Mr. NOWAK, Mr. LANTOS, Mr. RAHALL, Mr. ROGERS, and Mr. BADHAM.

H.R. 5291: Mr. MOODY, Mr. GREEN, Mr. MARTINEZ, and Mrs. BURTON of California.

H.R. 5326: Mr. NIELSON of Utah.

H.R. 5354: Mr. STALLINGS and Mr. FRANKLIN.

H.R. 5432: Mr. NIELSON of Utah, Mr. BERMAN, Mr. FRANK, Mr. MILLER of California, Mr. MRAZEK, Mr. MORRISON of Connecticut, Mr. KLECZKA, Mr. RIDGE, Mr. ARMEY, and Mr. BOEHLERT.

H.R. 5433: Mr. WHITEHURST, Mr. RINALDO, Mr. FRANKLIN, Mr. MILLER of Ohio, Mrs. BENTLEY, Mr. LAGOMARSINO, Mr. OXLEY, Mr. DANIEL, Mr. MCDADE, Mr. WORTLEY, and Ms. KAPTUR.

H.R. 5441: Mr. HUCKABY.

H.R. 5465: Mr. LIGHTFOOT, Mr. LEACH of Iowa, Mr. MORRISON of Washington, Mr. EVANS of Illinois, Mr. SEIBERLING, Mr. BILIRAKIS, Mr. FEIGHAN, Mr. REGULA, Mr. JEFFORDS, Mr. MARTIN of New York, Mr. GRAY of Pennsylvania, Mr. MITCHELL, Mr. YOUNG of Missouri, Mr. BERMAN, Mr. KINDNESS, Mr. RITTER, Mr. SKELTON, Mr. BLILEY, Mr. NIELSON of Utah, Mr. COOPER, Mr. DUNCAN, Mr. WALGREN, Mr. MYERS of Indiana, and Mr. WIRTH.

H.R. 5472: Mr. BONER of Tennessee, Mr. ACKERMAN, and Mrs. BOGGS.

H.R. 5485: Mr. LOEFFLER.

H.R. 5497: Mr. EMERSON, Mr. GUNDERSON, Mr. HORTON, Mr. LOTT, Mr. MCCURDY, Mr. MCEWEN, Mr. MCKINNEY, Mr. MOORE, Mr. SAXTON, Mr. SMITH of Iowa, Mr. SPENCE, Mr. TOWNS, and Mr. DE LA GARZA.

H.J. Res. 602: Mr. MRAZEK, Mr. KOSTMAYER, Mr. WILSON, Mr. FLIPPO, Mr. REID, Ms. MIKULSKI, Mr. EMERSON, Ms. OAKAR, Mr. RUSSO, Mr. LUNGREN, Mr. NEAL, Mr. BRYANT, Mr. OLIN, Mr. MATSUI, Mr. WALGREN, Mr. GUARINI, Mr. LOWERY of California, Mr. FROST, Mr. BIAGGI, Mr. WALDON, Mr. LIPINSKI, Mr. HARTNETT, Mr. FLORIO, Mr. MCCOLLUM, Mr. LOTT, Mr. HYDE, Mr. MAZZOLI, Mr. COELHO, Mr. WIRTH, Mrs. JOHNSON, Mr. FEIGHAN, Mr. GOODLING, Mr. YATES, Mr. WHITTEN, Mr. TORRICELLI, Mr. ACKERMAN, Mr. CRAIG, Mr. MOAKLEY, Mr. MAVROULES, Mr. PARRIS, Ms. KAPTUR, Mr. LUKEN, Mr. NATCHER, Mr. DE LUGO, Mr. HANSEN, and Mr. BEVILL.

H.J. Res. 643: Mr. PICKLE, Mr. MARTIN of New York, Mr. SHELBY, Mr. FLIPPO, Mr. NICHOLS, Mr. JONES of Tennessee, and Mr. COURTER.

H.J. Res. 656: Mr. STAGGERS.

H.J. Res. 662: Mr. ARMEY and Mr. BATEMAN.

H.J. Res. 679: Mr. KINDNESS.

H.J. Res. 704: Mr. GRAY of Illinois, Mr. YOUNG of Missouri, Mr. FUSTER, Mr. EVANS of Illinois, Mr. SUNIA, Mr. WILSON, Mr. FUQUA, Mr. AKAKA, Mr. DIXON, Mr. OBERSTAR, Mr. BUSTAMANTE, Mr. FASCELL, Mr. NIELSON of Utah, Mr. LUNGREN, Mr. HORTON, Mr. DELLUMS, Mr. LEHMAN of California, Mr. SMITH of Florida, Mr. HAYES, Mr. RANGEL, Mr. HOWARD, Mr. MINETA, Mr. HUGHES, Mr. STALLINGS, Mr. REID, Mr. MARTINEZ, Mr. BRYANT, Mr. VENTO, Mr. STRANG, Mr. FROST, Mr. SYNAR, Mr. LEVINE of California, Mr. KOSTMAYER, Mr. RICHARDSON, Mr. BONER of Tennessee, Mr. VOLKMER, Mr. SAVAGE, Mr. MRAZEK, and Mr. TOWNS.

H.J. Res. 709: Mr. BONER of Tennessee, Mr. DIXON, Mr. WORTLEY, Mr. MCEWEN, Mr. COYNE, Mr. WILSON, Mr. NEAL, Mr. HORTON, Mr. DIOGUARDI, and Mr. WEBER.

H. Con. Res. 308: Mr. CHAPMAN and Mr. COMBEST.

H. Con. Res. 381: Mr. LEHMAN of California.

H. Res. 392: Mr. COLEMAN of Missouri, Mr. STUDDS, and Mr. COBLE.

H. Res. 540: Mr. COURTER, Mr. HARTNETT, Mr. BATEMAN, Mr. CARNEY, Mr. DORNAN of California, Mr. COBLE, Mr. LEWIS of California, Mr. GALLO, Mr. LENT, and Mr. WILSON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2482

By Mr. HATCHER:

—Section 105 (Reregistration of Registered Pesticides) of H.R. 2482 is amended as follows:

By deleting (j)(4)(C) on page 40 and adding a new subsection (j)(4)(C) as follows:

"(i) Notwithstanding any other provision of this subsection, in the case of a small business registrant of a pesticide, the registrant shall pay a fee for the reregistration of each active ingredient of the pesticide that does not exceed an amount determined in accordance with this subparagraph.

"(ii) If during the 3-year period prior to reregistration the average annual gross revenue of the registrant from pesticides containing such active indgredient is—

"(I) less than $5,000,000, the registrant shall pay 0.5 percent of such revenue;

"(II) $5,000,000 or more but less than $10,000,000, the registrant shall pay 1 percent of such revenues; or

"(III) $10,000,000 or more, the registrant shall pay 1.5 percent of such revenue, but not more than $150,000.

"(iii) For the purpose of the subparagraph, a small business registrant is a corporation, partnership, or unincorporated business that—

"(I) has 150 or fewer employees; and

"(II) during the 3-year period prior to reregistration, had an average annual gross revenue from pesticides that did not exceed $40,000,000.

—Section 807 (Expiration of State Primary Enforcement Responsibility) of H.R. 2482 is amended as follows:

By adding the term "appropriate" after the word "impose" in line 13 of page 129 of the Bill, and by substituting the phrase "which should be sufficient to act as a reasonable deterrent" for the phrase "at least equal to those provided in Section 14" in line 14 of page 129.

By Mr. HOYER:

—Page 137, redesignate section 816 as section 817 and insert before line 8 the following:

SEC. 816. NOTICES.

Section 26 (7 U.S.C. 136w-1) is amended by adding at the end the following:

"(d) NOTICES.—

"(1) This Act shall not be construed to prohibit any political subdivision of a State from adopting or enforcing a requirement for the public notification of pesticide use.

"(2) The protection of the authority of political subdivisions prescribed by paragraph (1) is not to be construed as affecting any other authority of political subdivisions under this Act or any other law.".

Page 158, after line 10, strike out the item relating to subsection (d) and insert in lieu thereof the following:

(d) NOTICES.

By Mr. MARLENEE:

(As amended by H.R. 5440.)

—Amendment to the text of H.R. 5440 (the Amendment in the Nature of a Substitute to H.R. 2482), page 43, line 7, insert after "section 16(b)." the following new sentence: "Notwithstanding any other provision of law, no attorneys fees or expenses shall be awarded for any civil action brought under this section for failure to meet deadlines."

—Page 143, insert after line 5 the following:

SEC. 829. STRYCHNINE.

The Administrator of the Environmental Protection Agency may not cancel the registration of strychnine under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act or restrict its use in Montana or Wyoming if it is used for agricultural purposes to eradicate animals afflicted with rabies.

By Mr. SCHEUER:

(As amended by H.R. 5440.)

—Page 143, insert the following after line 5:

SEC. 829. PESTICIDE RESISTANCE MANAGEMENT PROGRAM.

(a) PROGRAM.—The Administrator of the Environmental Protection Agency shall establish a Pesticide Resistance Management Program—

(1) to conduct research on pesticide resistance and pesticide resistance management techniques to control or reduce the development of pesticide resistance,

(2) to develop and demonstrate such management techniques, and

(3) in cooperation with the Secretary of Agriculture, to disseminate information obtained from the Program to appropriate entities, including growers and their organizations, manufacturers, pesticide advisors, pes-

ticide applicators, State agriculture officials, and cooperative State extension services.

In establishing and conducting the Program the Administrator may, as appropriate, consult with the Science Advisory Panel established under section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act.

(b) TRAINING REQUIREMENTS.—The Administrator may include training in pesticide resistance and pesticide resistance management techniques as part of the minimum standards established for commercial pesticide applicators by the Administrator under section 4(h) of the Federal Insecticide, Fungicide, and Rodenticide Act.

Page 3, in the table of contents, add after the item relating to section 828 the following:

SEC. 829. PESTICIDE RESISTANCE MANAGEMENT PROGRAM.